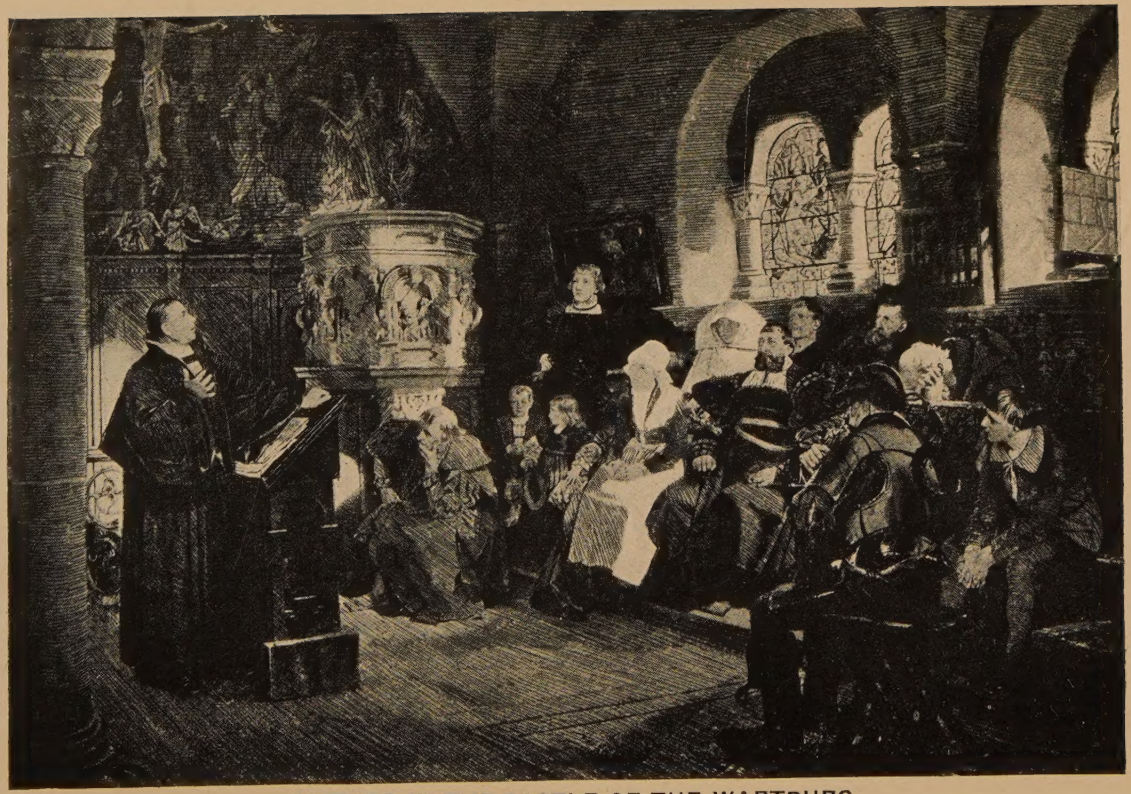
LIBRARY

OF

MRS. J. H. BOYD.

No.



LUTHER IN THE CASTLE OF THE WARTBURG
From a Painting by H. Vogel

THE LIBRARY OF ORATORY

Ancient and Modern

with CRITICAL STUDIES *of the* WORLD'S GREAT ORATORS *by* EMINENT ESSAYISTS

CHAUNCEY M. DEPEW, LL.D.

United States Senator from the State of New York

EDITOR-IN-CHIEF

NATHAN HASKELL DOLE

CAROLINE TICKNOR THOMAS CHARLES QUINN

ASSOCIATE EDITORS

Edition de Luxe

IN FIFTEEN VOLUMES

VOLUME IV.

ILLUSTRATED

A. L. FOWLE

NEW YORK

COPYRIGHT, 1902,
BY
J. C. TICHENOR

TABLE OF CONTENTS

VOLUME IV

	BORN.	PAGE.
ALEXANDER HAMILTON	1757	1
On the Expediency of Adopting the Federal Constitution.		
FISHER AMES	1758	12
On the British Treaty.		
JAMES MONROE	1758	26
Federal Experiments in History.		
ROBESPIERRE	1758	33
Against Granting the King a Trial.		
VON DOBELIN	1758	42
Address to the Finnish Troops.		
WILLIAM PITT	1759	45
On Refusal to Negotiate.		
WILLIAM WILBERFORCE	1759	96
Horrors of the British Slave Trade.		
DANTON	1759	108
To Dare, to Dare Again; Always to Dare.		
Against Imprisonment for Debt		110
Education, Free and Compulsory.		111
Freedom of Worship.		114
Squeezing the Sponge.		115
On the Assassination of Lepeletier.		117
On the Abolition of Slavery.		123

	BORN.	PAGE.
DESMOULINS	1760	125
Live Free or Die.		
The Appeal to the People.		128
ALBERT GALLATIN	1761	138
Speech on the British Peace Treaty.		
SAMUEL DEXTER	1761	154
Argument in Selfridge's Trial.		
BARNAVE	1761	159
Representative Democracy against Majority Absolutism.		
Commercial Politics.		163
Oration for the Crown.		165
ROYER-COLLARD	1763	169
"Sacrilege" in Law.		
Against Press Censorship.		172
WILLIAM CONYNGHAM PLUNKET	1764	175
On the Competency of the Irish Parliament to Pass the Measure of Union.		
Denunciation of the Men and the Means by Which the Union was Perpetrated.		178
WILLIAM PINKNEY	1764	181
Speech for the Relief of the Oppressed Slaves.		
HARRISON GRAY OTIS	1765	189
Eulogy on Alexander Hamilton.		
JAMES MACKINTOSH	1765	207
On the Trial of Jean Peltier.		
MOREAU	1763	234
Speech in His Own Defence.		
SAINT-JUST	1767	240
Arraignment of Danton.		

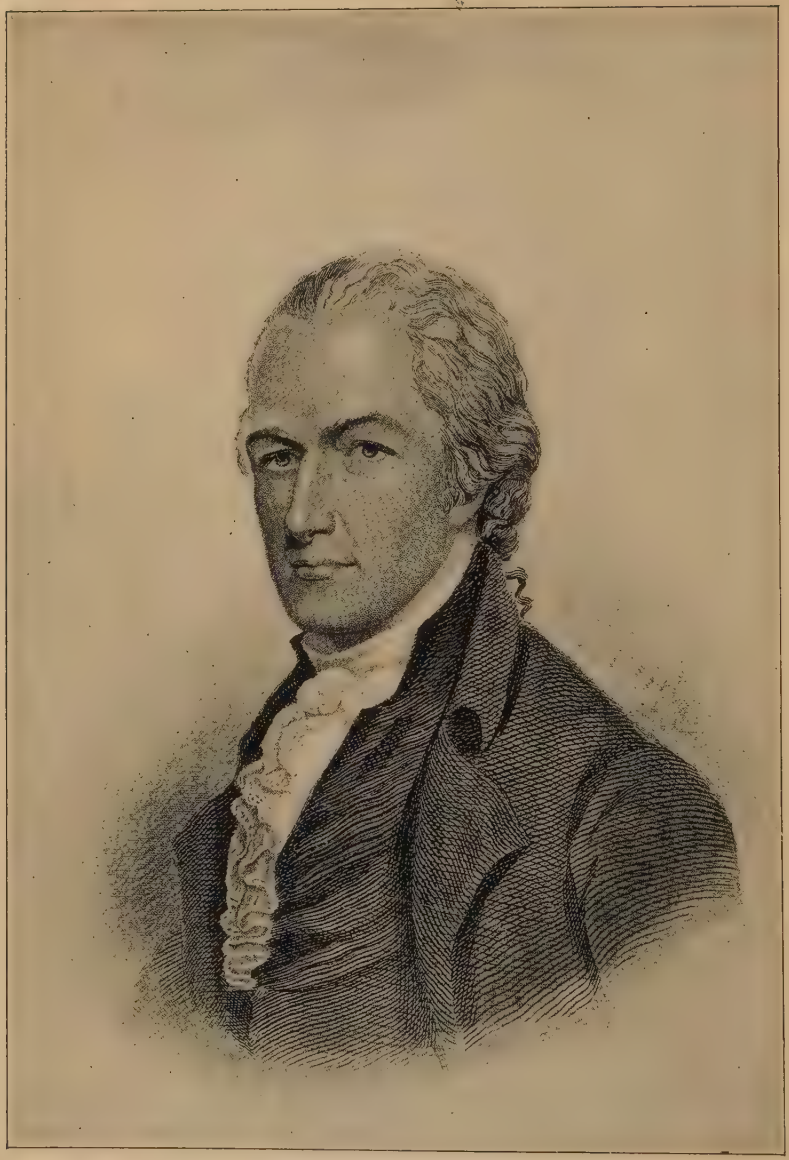
	BORN.	PAGE.
BENJAMIN CONSTANT	1767	250
Free Speech Necessary for Good Government		
On the Dissolution of the Chamber of Deputies		255
JOHN QUINCY ADAMS	1767	272
Oration at Plymouth.		
ANDREW JACKSON	1767	293
State Rights and Federal Sovereignty.		
Farewell Address.		298
CHÂTEAUBRIAND	1768	310
Government Intervention.		
DE WITT CLINTON	1769	318
Phi Beta Kappa Address.		
DUKE OF WELLINGTON	1769	329
Speech on Catholic Emancipation.		
NAPOLEON	1769	343
Address to Army at Beginning of Italian Campaign.		344
Proclamation to Army.		344
To Soldiers on Entering Milan.		345
Address to Soldiers during Siege of Mantua.		347
Address to Troops on Conclusion of First Italian Campaign.		347
Address to Troops after War of Third Coalition.		348
Address to Troops on Beginning the Russian Campaign.		350
Farewell to the Old Guard.		350
JAMES SCARLETT	1769	352
Charge to the Jury.		
TECUMSEH	1768	362
Speech at Vincennes.		
Speech to General Proctor.		364
GEORGE CANNING	1770	367
On Affording Aid to Portugal.		

	BORN.	PAGE.
TRISTAM BURGES	1770	392
Rebuke to Randolph.		
FRANZEN	1772	408
"The Sword shall Pierce Thy Heart."		
JOSIAH QUINCY	1772	411
On the Admission of Louisiana.		
JOHN RANDOLPH	1773	424
On Foreign Importations.		
WILLIAM WIRT	1772	457
Speech at the Trial of Aaron Burr.		

LIST OF ILLUSTRATIONS

VOLUME IV

	OPP. PAGE
LUTHER IN THE CASTLE OF THE WARTBURG	*Frontispiece*
ALEXANDER HAMILTON	1
JOHN QUINCY ADAMS	272
DUKE OF WELLINGTON	329
GEORGE CANNING	367



ALEXANDER HAMILTON

ALEXANDER HAMILTON

ALEXANDER HAMILTON, a distinguished American statesman, soldier, financier, orator, and writer, and the most eminent among the founders of the United States government, was born on the island of Nevis, in the West Indies, Jan. 11, 1757, and died at New York, July 12, 1804. The son of a Scotch merchant, who had married a Frenchwoman, young Hamilton was sent to this country to be educated, entering Columbia College, New York, in 1774, and while still a student of the institution becoming captain of an artillery company in the Continental army. In that capacity he saw considerable military service, being present at the battle of Long Island and in the engagements at Harlem Plains, New Brunswick, Trenton, and Princeton. In the winter of 1776–77 he became private secretary to General Washington, and was raised to the rank of lieutenant-colonel. In October, 1781, he was present with a command under Washington, when General (afterward Marquis of) Cornwallis surrendered at Yorktown, and in the previous year he married a daughter of General Philip Schuyler. He now abandoned military life and studied law, becoming a member of the Continental Congress in 1782. Five years later he appeared as leader in the Philadelphia Convention which framed the Constitution of the United States, and in the following year was also a member of the New York ratifying convention. He moreover was one of the chief and ablest writers in "The Federalist," contributing to it over fifty thoughtful essays explaining the scope and power of the new Constitution. In Washington's Cabinet he accepted the office of Secretary of the Treasury, and served in that capacity through both administrations, gaining éclat for his success in restoring the public credit during his period of office, for founding the United States Bank, and establishing the funding system of the young nation. Resigning this post in 1795, and refusing the office of Chief-Justice of the Supreme Court, Hamilton resumed his practice at the New York bar, where he became an able and influential leader. During the troubles with France, he accepted in 1798 the office of inspector-general of the army, with the rank of Major-General, and in the following year he acted for a time as Commander-in-Chief. In 1804, when Aaron Burr was a candidate for the governorship of New York, Hamilton threw his influence against him, whereby Burr was defeated, and he also opposed Burr's candidature for the presidency, favoring a second term for Jefferson. This attitude of Hamilton was bitterly resented by Burr, who sent the former a challenge to fight a duel, which Hamilton reluctantly accepted, and was mortally wounded in the encounter at Weehawken, N. J., July 11, 1804, and died on the following day, to the horror and grief of the whole country. See the complete works of Alexander Hamilton (8 vols., 1888), also "Lives" by Morse, by Lodge, and by his son, John C. Hamilton.

Hamilton's career is one of great interest to those who seek to study intelligently the beginnings of the nation. A man of great personal force and of strong aristocratic feeling, he represented the principle of authority, of government framed and administered by the few for the benefit of the many. In a series of papers Hamilton had exposed the inherent defects of the existing Confederation, and it is now generally acknowledged that the first suggestion toward the establishment of an adequate Federal Government came from him. Although the particular plan proposed by Hamilton in the Federal Convention, which met at Philadelphia in 1787, was laid aside, yet it was the spirit of the system conceived by him which then and there prevailed, and has since been a controlling principle in the administration of the Federal Government. Guizot has said of him that "there is not in the Constitution of the United States an element of order, of force, and of duration, which he did not powerfully contribute to inject into it and cause to predominate." While it was still uncertain whether the Constitution would be adopted by the several State conventions, Hamilton, in conjunction with James Madison and John Jay, wrote, as has been said, "The Federalist," to recommend the proposed national organic law as the best obtainable under the circumstances.

ON THE EXPEDIENCY OF ADOPTING THE FEDERAL CONSTITUTION

CONVENTION OF NEW YORK, JUNE 24, 1788

I AM persuaded, Mr. Chairman, that I in my turn shall be indulged, in addressing the committee. We all, in equal sincerity, profess to be anxious for the establishment of a republican government, on a safe and solid basis. It is the object of the wishes of every honest man in the United States, and I presume that I shall not be disbelieved, when I declare, that it is an object of all others the nearest and most dear to my own heart. The means of accomplishing this great purpose become the most important study which can interest mankind. It is our duty to examine all those means with peculiar attention, and to choose the best and most effectual. It is our duty to draw from nature, from reason, from examples, the best principles of policy, and to pursue and apply them in the formation of our government. We should contemplate and compare the

systems, which, in this examination, come under our view; distinguish, with a careful eye, the defects and excellencies of each, and, discarding the former, incorporate the latter, as far as circumstances will admit, into our Constitution. If we pursue a different course and neglect this duty, we shall probably disappoint the expectations of our country and of the world.

In the commencement of a revolution, which received its birth from the usurpations of tyranny, nothing was more natural than that the public mind should be influenced by an extreme spirit of jealousy. To resist these encroachments, and to nourish this spirit, was the great object of all our public and private institutions. The zeal for liberty became predominant and excessive. In forming our Confederation, this passion alone seemed to actuate us, and we appear to have had no other view than to secure ourselves from despotism. The object certainly was a valuable one, and deserved our utmost attention. But, sir, there is another object equally important, and which our enthusiasm rendered us little capable of regarding: I mean a principle of strength and stability in the organization of our government, and vigor in its operations. This purpose can never be accomplished but by the establishment of some select body, formed peculiarly upon this principle. There are few positions more demonstrable than that there should be in every republic some permanent body to correct the prejudices, check the intemperate passions, and regulate the fluctuations of a popular assembly. It is evident that a body instituted for these purposes must be so formed as to exclude as much as possible from its own character those infirmities and that mutability which it is designed to remedy. It is therefore necessary that it should be

small, that it should hold its authority during a considerable period, and that it should have such an independence in the exercise of its powers as will divest it as much as possible of local prejudices. It should be so formed as to be the centre of political knowledge, to pursue always a steady line of conduct, and to reduce every irregular propensity to system. Without this establishment, we may make experiments without end, but shall never have an efficient government.

It is an unquestionable truth, that the body of the people in every country desire sincerely its prosperity; but it is equally unquestionable, that they do not possess the discernment and stability necessary for systematic government. To deny that they are frequently led into the grossest errors by misinformation and passion, would be a flattery which their own good sense must despise. That branch of administration especially, which involves our political relations with foreign States, a community will ever be incompetent to. These truths are not often held up in public assemblies, but they cannot be unknown to any who hear me. From these principles it follows, that there ought to be two distinct bodies in our government: one, which shall be immediately constituted by and peculiarly represent the people, and possess all the popular features; another, formed upon the principle and for the purposes before explained. Such considerations as these induced the Convention who formed your State Constitution, to institute a Senate upon the present plan. The history of ancient and modern republics had taught them, that many of the evils which these republics had suffered, arose from the want of a certain balance and mutual control indispensable to a wise administration; they were convinced that

popular assemblies are frequently misguided by ignorance, by sudden impulses, and the intrigues of ambitious men; and that some firm barrier against these operations was necessary; they, therefore, instituted your Senate, and the benefits we have experienced have fully justified their conceptions. . . .

Gentlemen, in their reasoning, have placed the interests of the several States and those of the United States in contrast; this is not a fair view of the subject; they must necessarily be involved in each other. What we apprehend is, that some sinister prejudice, or some prevailing passion, may assume the form of a genuine interest. The influence of these is as powerful as the most permanent conviction of the public good; and against this influence we ought to provide. The local interests of a State ought in every case to give way to the interests of the Union; for when a sacrifice of one or the other is necessary, the former becomes only an apparent, partial interest, and should yield, on the principle that the small good ought never to oppose the great one. When you assemble from your several counties in the Legislature, were every member to be guided only by the apparent interests of his county, government would be impracticable. There must be a perpetual accommodation and sacrifice of local advantages to general expediency; but the spirit of a mere popular assembly would rarely be actuated by this important principle. It is therefore absolutely necessary that the Senate should be so formed, as to be unbiased by false conceptions of the real interests, or undue attachment to the apparent good of their several States.

Gentlemen indulge too many unreasonable apprehensions of danger to the State governments; they seem to suppose

that the moment you put men into a national council, they become corrupt and tyrannical, and lose all their affection for their fellow-citizens. But can we imagine that the Senators will ever be so insensible of their own advantage, as to sacrifice the genuine interest of their constituents? The State governments are essentially necessary to the form and spirit of the general system. As long, therefore, as Congress has a full conviction of this necessity, they must, even upon principles purely national, have as firm an attachment to the one as to the other. This conviction can never leave them, unless they become madmen. While the Constitution continues to be read, and its principle known, the States must, by every rational man, be considered as essential, component parts of the Union; and therefore the idea of sacrificing the former to the latter is wholly inadmissible.

The objectors do not advert to the natural strength and resources of State governments, which will ever give them an important superiority over the general government. If we compare the nature of their different powers, or the means of popular influence which each possesses, we shall find the advantage entirely on the side of the States. This consideration, important as it is, seems to have been little attended to. The aggregate number of Representatives throughout the States may be two thousand. Their personal influence will, therefore, be proportionably more extensive than that of one or two hundred men in Congress. The State establishments of civil and military officers of every description, infinitely surpassing in number any possible correspondent establishments in the general government, will create such an extent and complication of attachments, as will ever secure the predilection and support of

the people. Whenever, therefore, Congress shall meditate any infringement of the State Constitutions, the great body of the people will naturally take part with their domestic representatives. Can the general government withstand such a united opposition? Will the people suffer themselves to be stripped of their privileges? Will they suffer their Legislatures to be reduced to a shadow and a name? The idea is shocking to common-sense.

From the circumstances already explained, and many others which might be mentioned, results a complicated, irresistible check, which must ever support the existence and importance of the State governments. The danger, if any exists, flows from an opposite source. The probable evil is, that the general government will be too dependent on the State Legislatures, too much governed by their prejudices, and too obsequious to their humors; that the States, with every power in their hands, will make encroachments on the national authority, till the Union is weakened and dissolved.

Every member must have been struck with an observation of a gentleman from Albany. Do what you will, says he, local prejudices and opinions will go into the government. What! shall we then form a Constitution to cherish and strengthen these prejudices? Shall we confirm the distemper, instead of remedying it? It is undeniable that there must be a control somewhere. Either the general interest is to control the particular interests, or the contrary. If the former, then certainly the government ought to be so framed, as to render the power of control efficient to all intents and purposes; if the latter, a striking absurdity follows; the controlling powers must be as numerous as the varying interests, and the operations of the government

must therefore cease; for the moment you accommodate these different interests, which is the only way to set the government in motion, you establish a controlling power. Thus, whatever constitutional provisions are made to the contrary, every government will be at last driven to the necessity of subjecting the partial to the universal interest. The gentlemen ought always, in their reasoning, to distinguish between the real, genuine good of a State, and the opinions and prejudices which may prevail respecting it; the latter may be opposed to the general good, and consequently ought to be sacrificed; the former is so involved in it that it never can be sacrificed.

There are certain social principles in human nature from which we may draw the most solid conclusions with respect to the conduct of individuals and of communities. We love our families more than our neighbors; we love our neighbors more than our countrymen in general. The human affections, like the solar heat, lose their intensity as they depart from the centre, and become languid in proportion to the expansion of the circle on which they act. On these principles, the attachment of the individual will be first and forever secured by the State governments; they will be a mutual protection and support. Another source of influence, which has already been pointed out, is the various official connections in the States. Gentlemen endeavor to evade the force of this by saying that these offices will be insignificant. This is by no means true. The State officers will ever be important, because they are necessary and useful. Their powers are such as are extremely interesting to the people; such as affect their property, their liberty, and life. What is more important than the administration of justice and the execution of the civil and criminal laws?

Can the State governments become insignificant while they have the power of raising money independently and without control? If they are really useful; if they are calculated to promote the essential interests of the people; they must have their confidence and support. The States can never lose their powers till the whole people of America are robbed of their liberties. These must go together; they must support each other, or meet one common fate. On the gentleman's principle, we may safely trust the State governments, though we have no means of resisting them; but we cannot confide in the national government, though we have an effectual constitutional guard against every encroachment. This is the essence of their argument, and it is false and fallacious beyond conception.

With regard to the jurisdiction of the two governments, I shall certainly admit that the Constitution ought to be so formed as not to prevent the States from providing for their own existence; and I maintain that it is so formed; and that their power of providing for themselves is sufficiently established. This is conceded by one gentleman, and in the next breath the concession is retracted. He says Congress has but one exclusive right in taxation—that of duties on imports; certainly, then, their other powers are only concurrent. But to take off the force of this obvious conclusion, he immediately says that the laws of the United States are supreme and that where there is one supreme there cannot be a concurrent authority; and further, that where the laws of the Union are supreme, those of the States must be subordinate; because there cannot be two supremes. This is curious sophistry. That two supreme powers cannot act together is false. They are inconsistent only when they are aimed at each other or at one indivisible object. The

laws of the United States are supreme, as to all their proper, constitutional objects; the laws of the States are supreme in the same way. These supreme laws may act on different objects without clashing; or they may operate on different parts of the same common object with perfect harmony. Suppose both governments should lay a tax of a penny on a certain article; has not each an independent and uncontrollable power to collect its own tax? The meaning of the maxim, there cannot be two supremes, is simply this—two powers cannot be supreme over each other. This meaning is entirely perverted by the gentlemen. But, it is said, disputes between collectors are to be referred to the Federal courts. This is again wandering in the field of conjecture. But suppose the fact is certain, is it not to be presumed that they will express the true meaning of the Constitution and the laws? Will they not be bound to consider the concurrent jurisdiction; to declare that both the taxes shall have equal operation; that both the powers, in that respect, are sovereign and co-extensive? If they transgress their duty, we are to hope that they will be punished. Sir, we can reason from probabilities alone. When we leave common-sense, and give ourselves up to conjecture, there can be no certainty, no security in our reasonings.

I imagine I have stated to the committee abundant reasons to prove the entire safety of the State governments and of the people. I would go into a more minute consideration of the nature of the concurrent jurisdiction, and the operation of the laws in relation to revenue; but at present I feel too much indisposed to proceed. I shall, with leave of the committee, improve another opportunity of expressing to them more fully my ideas on this point. I wish the committee to remember that the Constitution under

examination is framed upon truly republican principles; and that, as it is expressly designed to provide for the common protection and the general welfare of the United States, it must be utterly repugnant to this Constitution to subvert the State governments or oppress the people.

FISHER AMES

FISHER AMES, American statesman, Federalist rhetorician and writer, was born at Dedham, Mass., April 9, 1758, and died there July 4, 1808. After graduating from Harvard in 1774, he studied and practiced law for a time, but abandoned it as a profession to pursue a political career. At an early age he was enamored of the orator's art and made an intimate study of the classics and of the finest models of English oratory. In 1788, he became a member of the Massachusetts legislature and served at the convention for ratifying the Constitution, and in the first Federal Congress elected after the Constitution was framed he served for eight years (1788–97). In the latter especially he was a notable figure, his commanding eloquence and wisdom in counsel being of high service to the young nation. A fine example of his oratorical powers is appended on the Jay treaty with Britain after its ratification (Aug. 18, 1795), by the United States, and when the necessary appropriations for carrying it into effect were being debated. In 1804, Ames was called to the presidency of his *alma mater*, but declined the honor partly on the score of failing health. His death occurred four years later, when only in his fiftieth year.

ON THE BRITISH TREATY

HOUSE OF REPRESENTATIVES, APRIL 28, 1796

IT WOULD be strange that a subject, which has aroused in turn all the passions of the country, should be discussed without the interference of any of our own. We are men, and therefore not exempt from those passions; as citizens and Representatives, we feel the interests that must excite them. The hazard of great interests cannot fail to agitate strong passions. We are not disinterested; it is impossible we should be dispassionate. The warmth of such feelings may becloud the judgment, and, for a time, pervert the understanding. But the public sen-

sibility, and our own, has sharpened the spirit of inquiry, and given an animation to the debate. The public attention has been quickened to mark the progress of the discussion, and its judgment, often hasty and erroneous on first impressions, has become solid and enlightened at last. Our result will, I hope, on that account, be safer and more mature, as well as more accordant with that of the nation. The only constant agents in political affairs are the passions of men. Shall we complain of our nature—shall we say that man ought to have been made otherwise? It is right already, because He, from whom we derive our nature, ordained it so; and because thus made and thus acting, the cause of truth and the public good is more surely promoted. . . .

The treaty is bad, fatally bad, is the cry. It sacrifices the interest, the honor, the independence of the United States, and the faith of our engagements to France. If we listen to the clamor of party intemperance, the evils are of a number not to be counted, and of a nature not to be borne, even in idea. The language of passion and exaggeration may silence that of sober reason in other places, it has not done it here. The question here is, whether the treaty be really so very fatal as to oblige the nation to break its faith. I admit that such a treaty ought not to be executed. I admit that self-preservation is the first law of society, as well as of individuals. It would, perhaps, be deemed an abuse of terms to call that a treaty which violates such a principle. I waive also, for the present, any inquiry, what departments shall represent the nation, and annul the stipulations of a treaty. I content myself with pursuing the inquiry, whether the nature of this compact be such as to justify our refusal to carry it into effect. A

treaty is the promise of a nation. Now, promises do not always bind him that makes them. But I lay down two rules, which ought to guide us in this case. The treaty must appear to be bad, not merely in the petty details, but in its character, principle, and mass. And in the next place, this ought to be ascertained by the decided and general concurrence of the enlightened public.

I confess there seems to be something very like ridicule thrown over the debate by the discussion of the articles in detail. The undecided point is, shall we break our faith? And while our country and enlightened Europe await the issue with more than curiosity, we are employed to gather piecemeal, and article by article, from the instrument, a justification for the deed by trivial calculations of commercial profit and loss. This is little worthy of the subject, of this body, or of the nation. If the treaty is bad, it will appear to be so in its mass. Evil to a fatal extreme, if that be its tendency, requires no proof; it brings it. Extremes speak for themselves and make their own law. What if the direct voyage of American ships to Jamaica with horses or lumber might net one or two *per centum* more than the present trade to Surinam; would the proof of the fact avail anything in so grave a question as the violation of the public engagements? . . .

Why do they complain that the West Indies are not laid open? Why do they lament that any restriction is stipulated on the commerce of the East Indies? Why do they pretend that if they reject this, and insist upon more, more will be accomplished? Let us be explicit—more would not satisfy. If all was granted, would not a treaty of amity with Great Britain still be obnoxious? Have we not this instant heard it urged against our envoy that he was not ardent

enough in his hatred of Great Britain? A treaty of amity is condemned because it was not made by a foe, and in the spirit of one. The same gentleman, at the same instant, repeats a very prevailing objection, that no treaty should be made with the enemy of France. No treaty, exclaim others, should be made with a monarch or a despot; there will be no naval security while those sea-robbers domineer on the ocean; their den must be destroyed; that nation must be extirpated.

I like this, sir, because it is sincerity. With feelings such as these we do not pant for treaties. Such passions seek nothing, and will be content with nothing, but the destruction of their object. If a treaty left King George his island, it would not answer; not if he stipulated to pay rent for it. It has been said, the world ought to rejoice if Britain was sunk in the sea; if where there are now men and wealth and laws and liberty, there was no more than a sand bank for sea monsters to fatten on; a space for the storms of the ocean to mingle in conflict. . . .

What is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference because they are greener? No, sir, this is not the character of the virtue, and it soars higher for its object. It is an extended self-love, mingling with all the enjoyments of life, and twisting itself with the minutest filaments of the heart. It is thus we obey the laws of society, because they are the laws of virtue. In their authority we see, not the array of force and terror, but the venerable image of our country's honor. Every good citizen makes that honor his own, and cherishes it not only as precious, but as sacred. He is willing to risk his life in its defence, and is conscious that he

gains protection while he gives it. For, what rights of a citizen will be deemed inviolable when a State renounces the principles that constitute their security? Or if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers and dishonored in his own? Could he look with affection and veneration to such a country as his parent? The sense of having one would die within him; he would blush for his patriotism, if he retained any, and justly, for it would be a vice. He would be a banished man in his native land. I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians—a whiff of tobacco smoke, or a string of beads, gives not merely binding force but sanctity to treaties. Even in Algiers a truce may be bought for money, but when ratified even Algiers is too wise, or too just, to disown and annul its obligation. Thus we see, neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together and form a society, they would, however loth, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of their State. They would perceive it was their interest to make others respect, and they would therefore soon pay some respect themselves to the obligations of good faith.

It is painful, I hope it is superfluous, to make even the supposition, that America should furnish the occasion of this opprobrium. No, let me not even imagine, that a

republican government, sprung, as our own is, from a people enlightened and uncorrupted, a government whose origin is right, and whose daily discipline is duty, can, upon solemn debate, make its option to be faithless—can dare to act what despots dare not avow, what our own example evinces, the States of Barbary are unsuspected of. No, let me rather make the supposition, that Great Britain refuses to execute the treaty, after we have done everything to carry it into effect. Is there any language of reproach pungent enough to express your commentary of the fact? What would you say, or rather what could you not say? Would you not tell them, wherever an Englishman might travel, shame would stick to him—he would disown his country. You would exclaim, England, proud of your wealth, and arrogant in the possession of power—blush for these distinctions, which become the vehicles of your dishonor. Such a nation might truly say to corruption, thou art my father, and to the worm, thou art my mother and my sister. We would say of such a race of men, their name is a heavier burden than their debt. . . .

The refusal of the posts (inevitable if we reject the treaty) is a measure too decisive in its nature to be neutral in its consequences. From great causes we are to look for great effects. A plain and obvious one will be, the price of the Western lands will fall. Settlers will not choose to fix their habitation on a field of battle. Those who talk so much of the interests of the United States, should calculate how deeply it will be affected by rejecting the treaty; how vast a tract of wild land will almost cease to be property. This loss, let it be observed, will fall upon a fund expressly devoted to sink the national

debt. What, then, are we called upon to do? However the form of the vote and the protestations of many may disguise the proceeding, our resolution is in substance and it deserves to wear the title of a resolution to prevent the sale of the Western lands and the discharge of the public debt.

Will the tendency to Indian hostilities be contested by any one? Experience gives the answer. The frontiers were scourged with war till the negotiation with Great Britain was far advanced, and then the state of hostility ceased. Perhaps the public agents of both nations are innocent of fomenting the Indian war, and perhaps they are not. We ought not, however, to expect that neighboring nations, highly irritated against each other, will neglect the friendship of the savages; the traders will gain an influence and will abuse it; and who is ignorant that their passions are easily raised, and hardly restrained from violence? Their situation will oblige them to choose between this country and Great Britain, in case the treaty should be rejected. They will not be our friends and at the same time the friends of our enemies.

But am I reduced to the necessity of proving this point? Certainly the very men who charged the Indian war on the detention of the posts, will call for no other proof than the recital of their own speeches. It is remembered with what emphasis, with what acrimony, they expatiated on the burden of taxes, and the drain of blood and treasure into the Western country, in consequence of Britain's holding the posts. Until the posts are restored, they exclaimed, the treasury and the frontiers must bleed.

If any, against all these proofs, should maintain that the peace with the Indians will be stable without the

posts, to them I urge another reply. From arguments calculated to produce conviction, I will appeal directly to the hearts of those who hear me, and ask, whether it is not already planted there? I resort especially to the convictions of the Western gentlemen, whether, supposing no posts and no treaty, the settlers will remain in security? Can they take it upon them to say, that an Indian peace, under these circumstances, will prove firm? No, sir, it will not be peace, but a sword; it will be no better than a lure to draw victims within the reach of the tomahawk.

On this theme my emotions are unutterable. If I could find words for them, if my powers bore any proportion to my zeal, I would swell my voice to such a note of remonstrance, it should reach every log-house beyond the mountains. I would say to the inhabitants, wake from your false security; your cruel dangers, your more cruel apprehensions are soon to be renewed; the wounds, yet unhealed, are to be torn open again; in the daytime your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father—the blood of your sons shall fatten your cornfield; you are a mother—the war-whoop shall wake the sleep of the cradle.

On this subject you need not suspect any deception on your feelings. It is a spectacle of horror, which cannot be overdrawn. If you have nature in your hearts, it will speak a language compared with which all I have said or can say will be poor and frigid.

Will it be whispered that the treaty has made me a new champion for the protection of the frontiers? It is known that my voice as well as vote have been uniformly given in

conformity with the ideas I have expressed. Protection is the right of the frontiers; it is our duty to give it.

Who will accuse me of wandering out of the subject? Who will say that I exaggerate the tendencies of our measures? Will any one answer by a sneer, that all this is idle preaching? Will any one deny, that we are bound, and I would hope to good purpose, by the most solemn sanctions of duty for the vote we give? Are despots alone to be reproached for unfeeling indifference to the tears and blood of their subjects? Have the principles on which you ground the reproach upon cabinets and kings no practical influence, no binding force? Are they merely themes of idle declamation introduced to decorate the morality of a newspaper essay, or to furnish petty topics of harangue from the windows of that State House? I trust it is neither too presumptuous nor too late to ask. Can you put the dearest interest of society at risk without guilt and without remorse?

It is vain to offer as an excuse, that public men are not to be reproached for the evils that may happen to ensue from their measures. This is very true where they are unforeseen or inevitable. Those I have depicted are not unforeseen; they are so far from inevitable, we are going to bring them into being by our vote. We choose the consequences, and become as justly answerable for them as for the measures that we know will produce them.

By rejecting the posts we light the savage fires—we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that will be roasted at the stake, to our country, and I do not deem it too serious to say, to conscience and to God. We are answerable, and if duty be

anything more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

There is no mistake in this case—there can be none. Experience has already been the prophet of events, and the cries of future victims have already reached us. The Western inhabitants are not a silent and uncomplaining sacrifice. The voice of humanity issues from the shade of their wilderness. It exclaims that, while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons our imagination to the scenes that will open. It is no great effort of the imagination to conceive that events so near are already begun. I can fancy that I listen to the yells of savage vengeance, and the shrieks of torture. Already they seem to sigh in the west wind—already they mingle with every echo from the mountains.

It is not the part of prudence to be inattentive to the tendencies of measures. Where there is any ground to fear that these will prove pernicious, wisdom and duty forbid that we should underrate them. It we reject the treaty, will our peace be as safe as if we executed it with good faith? I do honor to the intrepid spirits of those who say it will. It was formerly understood to constitute the excellence of a man's faith to believe without evidence and against it.

But, as opinions on this article are changed, and we are called to act for our country, it becomes us to explore the dangers that will attend its peace, and to avoid them if we can. . . .

Is there anything in the prospect of the interior state of the country to encourage us to aggravate the dangers of a war? Would not the shock of that evil produce another,

and shake down the feeble and then unbraced structure of our government? Is this a chimera? Is it going off the ground of matter-of-fact to say, the rejection of the appropriation proceeds upon the doctrine of a civil war of the departments? Two branches have ratified a treaty, and we are going to set it aside. How is this disorder in the machine to be rectified? While it exists its movements must stop, and when we talk of a remedy, is that any other than the formidable one of a revolutionary one of the people? And is this, in the judgment even of my opposers, to execute, to preserve the Constitution and the public order? Is this the state of hazard, if not of convulsion, which they can have the courage to contemplate and to brave, or beyond which their penetration can reach and see the issue? They seem to believe, and they act as if they believed, that our union, our peace, our liberty, are invulnerable and immortal—as if our happy state was not to be disturbed by our dissensions, and that we are not capable of falling from it by our unworthiness. Some of them have, no doubt, better nerves and better discernment than mine. They can see the bright aspects and the happy consequences of all this array of horrors. They can see intestine discords, our government disorganized, our wrongs aggravated, multiplied, and unredressed, peace with dishonor, or war without justice, union, or resources, in "the calm lights of mild philosophy."

But whatever they may anticipate as the next measure of prudence and safety, they have explained nothing to the House. After rejecting the treaty, what is to be the next step? They must have foreseen what ought to be done; they have doubtless resolved what to propose. Why then are they silent? Dare they not avow their plan of conduct,

or do they wait till our progress toward confusion shall guide them in forming it?

Let me cheer the mind, weary, no doubt, and ready to despond on this prospect, by presenting another, which it is yet in our power to realize. Is it possible for a real American to look at the prosperity of this country without some desire for its continuance—without some respect for the measures which, many will say, produce, and all will confess, have preserved, it? Will he not feel some dread that a change of system will reverse the scene? The well-grounded fears of our citizens in 1794 were removed by the treaty, but are not forgotten. Then they deemed war nearly inevitable, and would not this adjustment have been considered, at that day, as a happy escape from the calamity? The great interest and the general desire of our people was to enjoy the advantages of neutrality. This instrument, however misrepresented, affords America that inestimable security. The causes of our disputes are either cut up by the roots or referred to a new negotiation after the end of the European war. This was gaining everything, because it confirmed our neutrality, by which our citizens are gaining everything. This alone would justify the engagements of the government. For, when the fiery vapors of the war lowered in the skirts of our horizon, all our wishes were concentrated in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded, at the same time, the sure prognostic of fair weather. If we reject it, the vivid colors will grow pale—it will be a baleful meteor portending tempest and war.

Let us not hesitate, then, to agree to the appropriation

to carry it into faithful execution. Thus we shall save the faith of our nation, secure its peace, and diffuse the spirit of confidence and enterprise that will augment its prosperity. The progress of wealth and improvement is wonderful, and, some will think, too rapid. The field for exertion is fruitful and vast, and if peace and good government should be preserved, the acquisitions of our citizens are not so pleasing as the proofs of their industry—as the instruments of their future success. The rewards of exertion go to augment its power. Profit is every hour becoming capital. The vast crop of our neutrality is all seed-wheat, and is sown again to swell, almost beyond calculation, the future harvest of prosperity. And in this progress, what seems to be fiction is found to fall short of experience.

I rose to speak under the impressions that I would have resisted if I could. Those who see me will believe that the reduced state of my health has unfitted me almost equally for much exertion of body or mind. Unprepared for debate, by careful reflection in my retirement, or by long attention here, I thought the resolution I had taken to sit silent, was imposed by necessity, and would cost me no effort to maintain. With a mind thus vacant of ideas, and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet, when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation have their value, because they protract the crisis, and the short period in which alone we may resolve to escape it.

I have thus been led, by my feelings, to speak more at length than I intended. Yet I have, perhaps, as little

personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If, however, the vote shall pass to reject, and a spirit should rise, as it will, with the public disorders, to make confusion worse confounded, even I, slender and almost broken as my hold upon life is, may outlive the government and Constitution of my country.

JAMES MONROE

JAMES MONROE, fifth President of the United States (1817–25) and famous as the promulgator of the Monroe Doctrine, was born of a Scottish Cavalier family in Westmoreland Co., Va., April 28, 1758, and died at New York, July 4, 1831. Early he became a student at William and Mary College, Va., and served with distinction for a while in the Revolutionary War and was wounded at Trenton, studying law intermittently under the direction of Jefferson, and becoming a member of the legislature of his native State. From 1783 to 1786 he was a delegate in Congress, where he was instrumental in bringing about the conventions at Annapolis and Philadelphia, which resulted in the framing of the United States Constitution, though he opposed the adoption of that instrument, and during the years 1790–94, as United States Senator, allied himself with the anti-Federalist party and the advocates of State's Rights. In 1794, he became minister to France, but was recalled within two years owing to his sympathy with the French Revolution. This brought out an attack upon the government, which gave pleasure to the Democratic party, while attempting to justify his diplomatic action in France. For three years (1799–1802), he was governor of Virginia, after which he was appointed by Jefferson envoy extraordinary to France, where he coöperated with Morris and Livingston in effecting the purchase of Louisiana, and from 1803 to 1807 was United States Minister to Great Britain, undertaking at the same time a special mission to Madrid. His diplomatic course abroad was, however, not agreeable to the home government, and on his return he once more found it expedient to publish a defence of his acts. In 1810, he found solace for a time in the legislature of his own State, and in the office of Governor of Virginia, to which post he was again elected. In Madison's administration he became Secretary of State, acting also for a brief period as Secretary of War, when he was elevated to the Presidency of the United States in 1816 and reëlected for another term in 1820. During his period of office he formulated, in an annual message to Congress, the famous Monroe Doctrine, opposing interference by European Powers in the affairs of the States on the American continent, on pain of the act being deemed one of hostility and antagonism to the United States. Jefferson had declared that one of the maxims of American policy was "never to suffer Europe to meddle with cis-Atlantic affairs." Practically, this was the keynote of President Monroe's utterance on this subject, an utterance more specially directed at the time at Russia, which country is told that "the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers." He further and emphatically explained his attitude by adding this clause: "With the governments who have declared their independence and maintained it, . . . we could not view any interposition for the purpose of

oppressing them, or controlling in any other manner, their destiny, by any European power, in any other light than as a manifestation of an unfriendly disposition toward the United States." The protest was happily effectual. Monroe's administration was also notable for what was then deemed "the era of good feeling," and one that brought about the acquisition of Florida from Spain (1819), and the agreement with Missouri for its admission into the Union, barred only by the compromise which forbade the extension of slavery in that State. See "Life and Public Services of Monroe," by D. C. Gilman, in American Statesman Series (1883).

FEDERAL EXPERIMENTS IN HISTORY

VIRGINIA CONSTITUTIONAL CONVENTION, JUNE 10, 1788

Mr. Chairman:

I CANNOT avoid expressing the great anxiety which I feel upon the present occasion—an anxiety that proceeds not only from a high sense of the importance of the subject, but from a profound respect for this august and venerable assembly. When we contemplate the fate that has befallen other nations, whether we cast our eyes back into the remotest ages of antiquity, or derive instruction from those examples which modern times have presented to our view, and observe how prone all human institutions have been to decay; how subject the best formed and most wisely organized governments have been to lose their checks and totally dissolve; how difficult it has been for mankind, in all ages and countries, to preserve their dearest rights and best privileges, impelled, as it were, by an irresistible fate of despotism—if we look forward to those prospects that sooner or later await our country, unless ye shall be exempted from the fate of other nations, even upon a mind the most sanguine and benevolent, some gloomy apprehensions must necessarily crowd. This consideration is sufficient to teach us the limited capacity of the human mind—how subject the wisest

men have been to error. For my own part, sir, I come forward here, not as the partisan of this or that side of the question, but to commend where the subject appears to me to deserve commendation; to suggest my doubts where I have any; and to hear with candor the explanation of others; and, in the ultimate result, to act as shall appear for the best advantage of our common country.

The American States exhibit at present a new and interesting spectacle to the eyes of mankind. Modern Europe, for more than twelve centuries past, has presented to view one of a very different kind. In all the nations of that quarter of the globe, there has been a constant effort, on the part of the people, to extricate themselves from the oppression of their rulers; but with us the object is of a very different nature: to establish the dominion of law over licentiousness; to increase the powers of the national government to such extent, and organize it in such manner, as to enable it to discharge its duties and manage the affairs of the States to the best advantage. There are two circumstances remarkable in our colonial settlement: first, the exclusive monopoly of our trade; second, that it was settled by the Commons of England only. The revolution, in having emancipated us from the shackles of Great Britain, has put the entire government in the hands of one order of people only—freemen; not of nobles and freemen. This is a peculiar trait in the character of this revolution. That this sacred deposit may be always retained there, is my most earnest wish and fervent prayer. That union is the first object for the security of our political happiness, in the hands of gracious Providence, is well understood and universally admitted through all the United States. From New Hampshire to Georgia (Rhode Island excepted),

the people have uniformly manifested a strong attachment to the Union. This attachment has resulted from a persuasion of its utility and necessity. In short, this is a point so well known that it is needless to trespass on your patience any longer about it. A recurrence has been had to history. Ancient and modern leagues have been mentioned, to make impressions. Will they admit of any analogy with our situation? The same principles will produce the same effects. Permit me to take a review of those leagues which the honorable gentleman has mentioned; which are, first, the Amphictyonic Council; second, the Achæan League; third, the Germanic system; fourth, the Swiss cantons; fifth, the United Netherlands; and, sixth, the New England confederacy. Before I develop the principles of these leagues, permit me to speak of what must influence the happiness and duration of leagues. These principles depend on the following circumstances: first, the happy construction of the government of the members of the union; second, the security from foreign danger. For instance, monarchies united would separate soon; aristocracies would preserve their union longer; but democracies, unless separated by some extraordinary circumstance, would last forever. The causes of half the wars that have thinned the ranks of mankind, and depopulated nations, are caprice, folly, and ambition; these belong to the higher orders of governments, where the passions of one, or of a few individuals, direct the fate of the rest of the community. But it is otherwise with democracies, where there is an equality among the citizens, and a foreign and powerful enemy, especially a monarch, may crush weaker neighbors. Let us see how far these positions are supported by the history of these leagues, and how far they apply to us. The Amphicty-

onic Council consisted of three members—Sparta, Thebes, and Athens. What was the construction of these States? Sparta was a monarchy more analogous to the Constitution of England than any I have heard of in modern times. Thebes was a democracy, but on different principles from modern democracies. Representation was not known then. This is the acquirement of modern times. Athens, like Thebes, was generally democratic, but sometimes changed. In these two States the people transacted their business in person; consequently, they could not be of any great extent. There was a perpetual variance between the members of this confederacy, and its ultimate dissolution was attributed to this defect. The weakest were obliged to call for foreign aid, and this precipitated the ruin of this confederacy. The Achaean League had more analogy to ours, and gives me great hopes that the apprehensions of gentlemen with respect to our confederacy are groundless. They were all democratic, and firmly united. What was the effect? The most perfect harmony and friendship subsisted among them, and they were very active in guarding their liberties. The history of that confederacy does not present us with those confusions and internal convulsions which gentlemen ascribe to all governments of a confederate kind. The most respectable historians prove this confederacy to have been exempt from these defects. . . . This league was founded on democratical principles, and, from the wisdom of its structure, continued a far greater length of time than any other. Its members, like our States, by their confederation, retained their individual sovereignty and enjoyed perfect equality. What destroyed it? Not internal dissensions. They were surrounded by great and powerful nations—

the Lacedæmonians, Macedonians, and Ætolians. The Ætolians and Lacedæmonians making war on them, they solicited the assistance of Macedon, who no sooner granted it than she became their possessor. To free themselves from the tyranny of the Macedonians, they prayed succor from the Romans, who, after relieving them from their oppressors, soon totally enslaved them.

The Germanic body is a league of independent principalities. It has no analogy to our system. It is very injudiciously organized. Its members are kept together by the fear of danger from one another, and from foreign powers, and by the influence of the emperor.

The Swiss cantons have been instanced, also, as a proof of the natural imbecility of federal governments. Their league has sustained a variety of changes; and, notwithstanding the many causes that tend to disunite them, they still stand firm. We have not the same causes of disunion or internal variance that they have. The individual cantons composing the league are chiefly aristocratic. What an opportunity does this offer to foreign powers to disturb them by bribing and corrupting their aristocrats! It is well known that their services have been frequently purchased by foreign nations. Their difference of religion has been a source of divisions and animosity among them, and tended to disunite them. This tendency has been considerably increased by the interference of foreign nations, the contiguity of their position to those nations rendering such interference easy. They have been kept together by the fear of those nations, and the nature of their association, the leading features of which are a principle of equality between the cantons, and the retention of individual sovereignty. The same reasoning applies nearly to the United

Netherlands. The other confederacy which has been mentioned has no kind of analogy to our situation.

From a review of these leagues, we find the causes of the misfortunes of those which have been dissolved to have been a dissimilarity of structure in the individual members, the facility of foreign interference, and recurrence to foreign aid. After this review of those leagues, if we consider our comparative situation, we shall find that nothing can be adduced from any of them to warrant a departure from a confederacy to a consolidation, on the principle of inefficacy in the former to secure our happiness. The causes which, with other nations, rendered leagues ineffectual and inadequate to the security and happiness of the people, do not exist here. What is the form of our State governments? They are all similar in their structure—perfectly democratic. The freedom of mankind has found an asylum here which it could find nowhere else. Freedom of conscience is enjoyed here in the fullest degree. Our States are not disturbed by a contrarity of religious opinions and other causes of quarrels which other nations have. They have no causes of internal variance. Causes of war between the States have been represented in all those terrors which splendid genius and brilliant imagination can so well depict. But, sir, I conceive they are imaginary—mere creatures of fancy.

ROBESPIERRE

AXIMILIEN MARIE ISIDORE ROBESPIERRE, French revolutionist and madman during the Reign of Terror, was born at Arras, France, May 6, 1758, and died by the guillotine in Paris, July 28, 1794. Educated at Arras, and at the College of Louis the Great, Paris, he studied law and was admitted to the Bar in 1781. Following his profession at his native town, he was appointed criminal judge in the diocese of Arras, a post he, however, resigned rather than pass upon a culprit the death-sentence which the law demanded. Resuming his law practice, he for a time took to literary pursuits, which in 1784 gained for an essay he wrote a medal from the Academy of Metz. Elected in 1789 to the States-General, he blossomed into a radical Democrat and became leader of the Extreme Left. Three years later, on the death of Mirabeau, his fell influence became dominant, and an era of raging revolution approached, such as struck terror to the hearts of even the boldest and aroused the horror of all Europe. The flight of the King followed, which excited Robespierre's suspicions of foreign intervention and inflamed the revolutionary clubs. The monarch's arrest and return in ignominy to Paris were but steps that led to the King's execution, to the suppression of the privileged orders, and to the demand for the Revolutionary Tribunal, which by its inhumanity and violence fanned the flame of fanaticism and anarchy, and caused the streets of Paris to run with blood. Robespierre, meanwhile, had been returned in 1792 a deputy from Paris to the National Convention, and in July of the following year he became a member of the Committee of Public Safety. In both of these bodies the Girondists or moderate Republicans were in the minority, so the Jacobins, the men of the Mountain, moved on unchecked to that Saturnalia of bloodshed which they let loose on the capital and on the towns, such as Lyons, Arras, Toulon, and Nantes, of fair France. The holocaust of murder during the "Reign of Terror" was appalling; by a righteous retribution, one of its victims was Robespierre himself, who, owing to a schism that had arisen in the infamous Committee of Public Safety, fell before the intrigues of his enemies and of the despotic power which he had insanely arrogated to himself. Writing of the Reign of Terror and the September massacres, Carlyle observes that "it is unfortunate, though very natural, that the history of this period has so generally been written in hysterics. Exaggeration abounds, execration, wailing; and on the whole darkness." Those who are familiar with the annals of the era in French history, and, above all, who know the contemporary documents, need have no wonder that history has dealt with the period as it has. Nor can they fail to determine how far Robespierre, of all the actors in the Revolution, was responsible for the inhuman tragedies of the time, and how the lurid curtain lifted when he went to his doom.

AGAINST GRANTING THE KING A TRIAL

DELIVERED DECEMBER 3, 1792

LOUIS was king and the Republic is founded ; the famous question which occupies you is decided by these words alone. Louis has been dethroned for his crimes ; Louis denounced the French people as rebellious ; he has called the arms of tyrants, his colleagues, to chastise them ; victory and the people have decided that he alone was rebellious : so Louis cannot be judged; he is already judged. He is condemned, or the Republic is not absolved. To propose a trial for Louis XVI, in any way whatever, is to retrograde towards royal and constitutional despotism; it is a counter-revolutionary idea; for it is putting the revolution itself in question. Indeed, if Louis can still be the object of a trial, Louis can be absolved; he can be innocent. What do I say? He is presumably so until he is judged. But if Louis is absolved, if Louis can be presumed to be innocent, what does the Revolution become? If Louis is innocent, all the defenders of liberty become calumniators. All the rebels were friends of truth and the defenders of oppressed innocence; all the manifestoes of foreign courts are only legitimate complaints against a ruling faction. Even the confinement that Louis is subjected to until the present time is an unjust vexation; the federates, the people of Paris, all the patriots of the French empire are guilty; and this great trial pending in the court of nature, between crime and virtue, between liberty and tyranny, is finally decided in favor of crime and tyranny. Citizens, take care; you are deceived here by false

notions; you are confounding the rules of civil and positive law with the principles of the law of nations; you are confounding the relations of the citizens among themselves with the relations of nations to an enemy conspiring against them; again, you are confounding the situation of a people in revolution with that of a people whose government is established; you are confounding a nation which punishes a public functionary, while preserving the form of government and that which destroys the government itself. We attribute to ideas which are familiar to us an extraordinary case which depends on principles that we have never applied. So, because we are accustomed to see offences of which we are the witnesses judged acording to uniform rules, we are naturally inclined to believe that in no circumstance nations can with equity proceed otherwise against a man who has violated their rights, and where we do not see a jury, a court, a trial, we do not find justice. Even those terms which we apply to ideas different from those which they express in common use completely deceive us. Such is the natural empire of habit that we regard the most arbitrary, sometimes even the most defective institutions, as the most absolute rule of truth or falsehood, justice and injustice. We do not even dream that the majority still hold necessarily to the prejudices with which despotism has nourished us; we have been so long bowed under its yoke that we lift ourselves with difficulty to the eternal principles of reason; everything that rises to the sacred source of all laws seems in our eyes to assume an illegal character, and the very order of nature seems to us disorder. The majestic movements of a great people, the sublime impulses of virtue, often present themselves to our timid eyes like the eruptions of a volcano or the overthrow of political society; and surely it

is not the least cause of the troubles which agitate us, this eternal contradiction between the weakness of our customs, the depravity of our minds, and the purity of principles, the energy of character which the free government to which we dare pretend supposes.

When a nation has been forced to have recourse to the right of insurrection it returns to a state of nature in regard to the tyrant. How could the latter appeal to the social compact? He has annihilated it. The nation can preserve it still, if she thinks it proper, for whatever concerns the relations of citizens among themselves: but the effect of tyranny and insurrection is to break it entirely with regard to the tyrant; it is to establish them reciprocally in a state of war; the tribunals, the judiciary procedures, are made for the members of the city. It is a gross contradiction to suppose that the constitution can preside over this new state of things; it would be to suppose that it survived itself. What are the laws which replace it? Those of nature, which is the basis of society itself; the safety of the people. The right to punish the tyrant and that to dethrone him are the same thing. The one does not admit of different forms from the other. The tyrant's trial is insurrection; his judgment is the fall of his power; his penalty, whatever the liberty of the people demands.

Peoples do not judge like judiciary courts: they give no sentence, they hurl forth the thunderbolt; they do not condemn kings, they plunge them into nothingness; and this justice is well worth that of tribunals. If they arm themselves against their oppressors for their own safety, how should they be bound to adopt a method of punishing them which would be a new danger to them?

We have allowed ourselves to be misled by foreign

examples which have nothing in common with us. Since Cromwell caused Charles I to be judged by a tribunal which he controlled; since Elizabeth had Mary of Scotland condemned in the same way, it is natural that tyrants who are sacrificing their equals, not to the people, but to their own ambition, should try to deceive the opinion of the common crowd by illusive forms. It is neither a question of principles, nor of liberty, but of trickery and intrigue; but the people! What other law can they follow but justice and right supported by their omnipotence?

In what republic has the necessity of punishing the tyrant been litigious? Was Tarquin called to judgment? What would have been said in Rome if the Romans had dared to declare themselves their own defenders? What are we doing? We are calling everywhere for advocates to plead the cause of Louis XVI.

We sanction as legitimate acts those which among all free people would have been regarded as the greatest of crimes. We ourselves invite the citizens to baseness and corruption. Some day we shall be able to award to Louis's defenders civic crowns; because if they defend his cause they can hope to make it triumph; otherwise you would give to the universe only a ridiculous comedy. And we dare speak of a republic! We invoke forms because we have no principles; we take pride in our delicacy because we lack energy; we display a false humanity because the sentiment of true humanity is a stranger to us; we revere the shade of a king because we are without bowels of mercy for the oppressed.

The trial of Louis XVI? What is this trial, if it is not the call of insurrection to a tribunal or to some assembly? When a king has been annihilated by the people, who has

the right to resuscitate him in order to make a new pretext for trouble and rebellion? And what other effects can this system produce? By opening an arena to the champions of Louis XVI you resuscitate all the quarrels of despotism with liberty; you sanction the right to blaspheme against the Republic and against the people, because the right to defend the former despot conveys the right to say everything favorable to his cause. You arouse all the factions; you revive, you encourage dormant royalism. One could freely take part for or against it. What more legitimate, what more natural than to repeat everywhere the maxims that his defenders would be able to profess loudly at your bar and even in your tribune? What a Republic it is, the founders of which arouse adversaries on every side to attack it in its cradle!

It is a great cause, you say, which must be judged with wise and slow circumspection. It is you who make a great cause of it. What do I say? It is you who make a cause of it. What do you find great in it? Is it the difficulty? No. Is it the person? In the eyes of liberty there is none more vile; in the eyes of humanity there is none more guilty. He can impose again only on those who are more dastardly than himself. Is it the utility of the result? That is another reason for hastening it. A great cause is a project of popular law; a great cause is that of an unfortunate oppressed by despotism. What is the motive of these everlasting delays which you recommend to us? Are you afraid of wounding the opinion of the people? As if the people themselves feared anything but the weakness or ambition of their proxies! As if the people were a vile troop of slaves, stupidly attached to the stupid tyrant whom they have proscribed, desiring at whatever price to wallow in baseness and

in servitude! You speak of opinion; is it not for you to direct it, to fortify it? If it goes astray, if it is depraved, who must be blamed if not you yourselves? Are you afraid of displeasing the foreign kings leagued against us? Oh! without doubt, the way to conquer them is to appear to fear them: the way to confound the criminal conspiracy of the despots of Europe is to respect their accomplice. Are you afraid of foreign peoples? Then you still believe in the innate love of tyranny. Why then do you aspire to the glory of emancipating the human race? By what contradiction do you suppose that the nations which have not been astonished by the proclamation of the rights of humanity will be dismayed at the chastisement of one of its most cruel oppressors? Finally you fear, they say, the opinion of posterity. Yes, posterity will be astonished indeed at your inconsequence and your weakness; and our descendants will laugh both at the presumption and the prejudices of their fathers. It has been said that it takes genius to get to the bottom of this question. I maintain that it takes only good faith: it is much less a matter of enlightening one's self than of not voluntarily blinding one's self. Why does a thing which seems clear to us at one time seem obscure at another? Why does that which the good sense of the people decides easily change for its delegates to an almost unsolvable problem? Have we the right to have a general will and a different wisdom from universal reason?

I have heard the defenders of inviolability advance a bold principle which I should have almost hesitated to express myself. They said that those who would have slain Louis XVI the tenth of August would have done a virtuous action. But the only basis of this opinion can be nothing but the crimes of Louis XVI and the rights of the people.

But has an interval of three months changed his crimes or the rights of the people? If then he was snatched away from public indignation it was without doubt solely that his punishment, solemnly ordered by the National Convention in the name of the nation, should be more imposing to the enemies of humanity; but to bring up the question whether he is guilty or whether he can be punished is to betray the faith given to the French people. There are perhaps some who, either to hinder the Assembly from taking a character worthy of it, or to take away from the nations an example which would elevate souls to the height of republican principles, or through still more shameful motives, would not be sorry if a private hand filled the functions of national justice. Citizens, beware of this trap; whoever will dare to give such advice will only serve the enemies of the people. Whatever happens, Louis's punishment is henceforth good only as it bears the solemn character of a public vengeance.

Of what importance to the people is the despicable individual of the last of the kings? Representatives, what is important to them, what is important to yourselves, is that you fulfill the duties which their confidence has imposed upon you. You have proclaimed the Republic, but have you given it to us? We have not yet made a single law which justifies that name; we have not yet reformed a single abuse of despotism. Take away the name, we have still tyranny entirely; and, moreover, factions more vile and charlatans more immoral, with new fermentations of troubles and civil war. The Republic! And Louis still lives! And you place the person of the king again between us and liberty! On account of scruples let us fear to make criminals of ourselves; let us fear that by showing too much

indulgence for the guilty we may place ourselves in his place.

A new difficulty! To what punishment shall we condemn Louis? The punishment of death is too cruel. No, says another, life is more cruel still. I ask that he may live. Advocates of the king, is it through pity or cruelty that you wish to keep him from the penalty of his crimes? As for me, I abhor the penalty of death lavished by your laws, and I have neither love nor hatred for Louis. I hate only his crimes. I have asked the Assembly, which you still call Constituent, for the abolition of the death penalty, and it is not my fault if the first principles of right seem to it moral and political heresies. But if you never took it upon yourselves to demand them in favor of so many unfortunates whose offences are less their own than those of the government, by what chance do you remember them only to plead the cause of the greatest of all criminals? You ask an exception to the death penalty for him alone who can make it legitimate! Yes, the penalty of death generally is a crime, and for that reason alone, after the indestructible principles of nature, can be justified only in cases when it is necessary for the safety of individuals or the social body. Moreover, public safety never provokes it against ordinary offences, because society can always guard against them by other means and make the offender powerless to harm it. But a dethroned king in the bosom of a revolution which is nothing less than cemented by laws, a king whose name alone draws the scourge of war on the agitated nation, neither prison nor exile can render his existence indifferent to public happiness; and this cruel exception to ordinary laws which justice allows can only be imputed to the nature of his crimes.

VON DOBELN

LIEUTENANT-GENERAL G. K. VON DOBELN was born in Finland in 1758, and died in 1820. He served in the war between Russia and Sweden in 1788, and when hostilities again broke out in 1808 he was appointed lieutenant-general of the Finnish wing of the Swedish army, and was deemed one of its ablest and most skillful officers. In 1809, he retired to private life after the treaty of peace between the two countries was consummated.

ADDRESS TO THE FINNISH TROOPS, OCTOBER 8, 1809

SOLDIERS! I have mustered the army to inform you that a preliminary treaty of peace was made on the seventeenth of September between the Swedish and Russian powers. These glad tidings of peace end the horrors of a disastrous war. It is welcome news, as Sweden's exhausted resources do not permit a continuance of a warfare entered into through a political mistake and which for two years has undermined her strength and prestige. But Finland passes away from Sweden; henceforth Tornea River will be the boundary line. Finns! with the conclusion of peace one third of the domain of the Swedish crown is lost, Sweden must part forever with the proud Finnish nation, her mightiest support; yet that is not all, the Swedish army is stripped of the essential wing of its fighting power. Our motherland is crushed, drowned in sorrow and sadness over the irreparable sacrifice, but Almighty God, in his wisdom, has sealed our fate and we must accept it with patience and submission.

Soldiers, comrades, brothers! you who during the late war

with so much faithfulness and unfailing courage fought the enemy, despite his numerical strength and boastfulness, and defeated him on a score of battle-fields, you who, unaided, recaptured half of Finland, you who fought afterward with perseverance for the soil of your motherland, Sweden, you who have gathered here are a precious remnant of the proud Finnish nation and its gallant warriors! To you I extend, and I do so with deep emotion, most sincere thanks from the king, the estates of the realm, the Swedish people, the Swedish army, my superior officers, my comrades, myself; yes, from all. The king's pleasure, the good will of the estates, the admiration of the Swedish people, the esteem of the Swedish army, recognition from my brothers, my own affection for you, are the offerings consecrated to you, and which I lay down upon the altar. Finns and brothers! your achievements are great, and the gratitude which I extend to you in behalf of all is in proportion thereto. Its proper interpretation requires the best efforts of an orator, and I am a soldier. Soldier! what proud distinction to receive that title from you, share it with you and bear it for your sake. Accept, therefore, the thanks of a heart affected with emotion.

And to the Swedish troops assembled on this touching occasion. You are the living witnesses to our motherland's boundless gratitude. Swedes! pride yourselves that you have seen these fragments of the Finnish army. Remember them, honor them; behold their emaciated forms, their pale faces. These are the signs of their faithful, although vain, efforts to liberate their native soil in years gone by.

And now, a closing word to the Finlanders. When you return to your homes tell your nation of the thankfulness of the Swedish people. Bear in mind that though you

return in ragged clothes, with pierced bodies or amputated limbs, you carry with you, nevertheless, the pride of the true soldier. You can never become enemies toward Sweden, your motherland, I am sure, but will remain its friends forever. We shall, from generation to generation, bless you and honor you. One thing I ask of you, that when you approach the battle-fields where we defeated our enemies, and when you see the countless sand-hills which cover our fallen comrades, send up a sigh for blessing over their remains; they died heroes, and honor stands guard over their ashes. You know the vagaries of the human heart, its readiness to adopt an object of affection which it believes it can never forget, yet ere a few weeks have gone by it has made another choice. Time transforms everything, and with its flight all is forgotten. Nevertheless, I assure you, as you also will realize, that the bond of friendship between warriors tried in battle, in danger, in blood and death, can never break. Thus you and I are assured of continual love for each other. Finlanders and brothers, could tears of blood from my eyes seal these words, they would flow in streams, every drop an assurance of my respect and friendship.

[Special translation by Charles E. Hurd.]

WILLIAM PITT

WILLIAM PITT, distinguished Whig statesman and orator, and "greatest master of the whole art of parliamentary government," as Macaulay termed him, was born in Kent, England, May 28, 1759, and died at Putney, on the Thames, Jan. 23, 1806. He was the second son of the famous first Earl of Chatham, and was educated under private tutorship and at Pembroke Hall, Cambridge, where he became a proficient classic, with a passion also for mathematics, which was of use to him in Parliament when he twice filled the post of chancellor of the exchequer. In 1780, he was called to the Bar, and in the following year entered the House of Commons, where he allied himself with the Shelburne opposition to Lord North, and early in his career delivered a masterly speech in favor of Burke's scheme of economical reform. When only in his twenty-fourth year, he was appointed chancellor of the exchequer in Lord Shelburne's brief ministry and became leader in the popular chamber. In 1783, on the overthrow of the coalition government of North and Fox, Pitt became prime minister, and after an appeal to the country he held this commanding position of the premiership continuously for seventeen years. During this period, he was all-powerful in Parliament, and was the idol of his country, owing to his great abilities, high disinterestedness as a statesman, and his lofty patriotism. His administration was remarkable for the manner in which it steered safely through the troubles and complexities of a strenuous time, while Pitt especially deserves credit for his desire to preserve peace with France, to conciliate Ireland and bring her into the union, and for his abounding sympathy with every measure tending to promote civil and religious liberty. His fame somewhat pales after 1793, when war with France broke out, with its defeats to English arms, though Pitt ever bore a brave front whatever the national adversities of the time, and however powerful was the opposition, led by Burke, Fox, and Sheridan, against him and his government. In 1801, he was compelled to resign the premiership, being specially foiled in his design to raise Catholics and Dissenters alike to perfect equality of civil rights. He reappeared, however, in Parliament in 1803, when he made a powerful speech in favor of the war with France, and in May, 1804, his brief second administration began. Though French invasion was frustrated by Nelson, English arms suffered defeat at Ulm and Austerlitz, and this brought the great statesman to his grave. While peace was maintained, Pitt did much for his country's commerce, while he also sought to raise statesmanship to a higher plane, to purge politics of corruption, and to secure reforms both in and out of Parliament. It has been said of Pitt, that "he was the first English Minister who really grasped the part which industry was to play in promoting the welfare of the world." The saying is true and cannot be gainsaid, by those, at least, who are familiar with Pitt's general industrial policy and with his labors in behalf of financial reform; while great credit is due him for his efforts to maintain the English nation at peace, at a time when, as it was said, "all governments were its enemies," and when but for his courageous and astute pilotage at an era of grave and complex disturbance in Europe, Britain might herself have fallen into the swoon and welter of the time.

SPEECH ON REFUSAL TO NEGOTIATE

[This was the most elaborate oration ever delivered by Mr. Pitt, and as a parliamentary discourse designed at once to inform and inspire it has probably never been surpassed. It was delivered before the House of Commons, February 3, 1800. Of the vast variety of facts brought forward or referred to, very few have ever been disputed; they are arranged in luminous order, and grow out of each other in regular succession; they present a vivid and horrible picture of the miseries inflicted upon Europe by revolutionary France, while the provocations of her enemies are thrown entirely into the background.]

I WILL enlarge no further on the origin of the war. I have read and detailed to you a system which was in itself a declaration of war against all nations, which was so intended, and which has been so applied, which has been exemplified in the extreme peril and hazard of almost all who for a moment have trusted to treaty and which has not at this hour overwhelmed Europe in one indiscriminate mass of ruin, only because we have not indulged, to a fatal extremity, that disposition which we have, however, indulged too far; because we have not consented to trust to profession and compromise, rather than to our own valor and exertion, for security against a system from which we never shall be delivered till either the principle is extinguished or its strength is exhausted.

I might, sir, if I found it necessary, enter into much detail upon this part of the subject. You cannot look at the map of Europe and lay your hand upon that country against which France has not either declared an open and aggressive war, or violated some positive treaty, or broken some recognized principle of the law of nations.

This subject may be divided into various periods. There were some acts of hostility committed previous to the war with this country, and very little, indeed, subsequent to that declaration, which abjured the love of conquest. The attack

upon the papal state, by the seizure of Avignon, in 1791, was accompanied with specimens of all the vile arts and perfidy that ever disgraced a revolution. Avignon was separated from its lawful sovereign, with whom not even the pretence of quarrel existed, and forcibly incorporated in the tyranny of one and indivisible France. The same system led, in the same year, to an aggression against the whole German empire, by the seizure of Porentrui, part of the dominions of the bishop of Basle.

Afterward, in 1792, unpreceded by any declaration of war or any cause of hostility, and in direct violation of the solemn pledge to abstain from conquest, they made war against the king of Sardinia, by the seizure of Savoy, for the purpose of incorporating it in like manner with France. In the same year they had proceeded to the declaration of war against Austria, against Prussia, and against the German empire, in which they have been justified only on the ground of a rooted hostility, combination, and league of sovereigns for the dismemberment of France.

I say that some of the documents brought to support this defence are spurious and false.

I say that even in those that are not so there is not one word to prove the charge principally relied upon, that of an intention to effect the dismemberment of France or to impose upon it, by force, any particular constitution. I say that, as far as we have been able to trace what passed at Pilnitz, the declaration there signed referred to the imprisonment of Louis XVI; its immediate view was to effect his deliverance if a concert sufficiently extensive could be formed with other sovereigns for that purpose. It left the internal state of France to be decided by the king restored to his liberty, with the free consent of the states of his kingdom, and

it did not contain one word relative to the dismemberment of France.

In the subsequent discussions which took place in 1792, and which embraced at the same time all the other points of jealousy which had arisen between the two countries, the declaration of Pilnitz was referred to, and explained on the part of Austria in a manner precisely conformable to what I have now stated. The amicable explanations which took place, both on this subject and on all the matters in dispute, will be found in the official correspondence between the two courts, which has been made public; and it will be found, also, that as long as the negotiation continued to be conducted through M. Delessart, then minister for foreign affairs, there was a great prospect that those discussions would be amicably terminated; but it is notorious, and has since been clearly proved on the authority of Brissot himself, that the violent party in France considered such an issue of the negotiation as likely to be fatal to their projects, and thought, to use his own words, that "war was necessary to consolidate the Revolution."

For the express purpose of producing the war they excited a popular tumult in Paris; they insisted upon and obtained the dismissal of M. Delessart. A new minister was appointed in his room; the tone of the negotiation was immediately changed, and an ultimatum was sent to the Emperor, similar to that which was afterward sent to this country, affording him no satisfaction on his just grounds of complaint, and requiring him, under those circumstances, to disarm. The first events of the contest proved how much more France was prepared for war than Austria, and afford a strong confirmation of the proposition which I maintain, that no offensive intention was entertained on the part of the latter power.

War was then declared against Austria, a war which I state to be a war of aggression on the part of France. The king of Prussia had declared that he should consider war against the Emperor or empire as war against himself. He had declared that as a co-estate of the empire he was determined to defend their rights; that as an ally to the Emperor he would support him to the utmost against any attack; and that for the sake of his own dominions he felt himself called upon to resist the progress of French principles and to maintain the balance of power in Europe. With this notice before them, France declared war upon the Emperor, and the war with Prussia was the necessary consequence of this aggression, both against the Emperor and the empire.

The war against the king of Sardinia follows next. The declaration of that war was the seizure of Savoy by an invading army—and on what ground? On that which has been stated already. They had found out, by some light of nature, that the Rhine and the Alps were the natural limits of France. Upon that ground Savoy was seized; and Savoy was also incorporated with France.

Here finishes the history of the wars in which France was engaged antecedent to the war with Great Britain, with Holland, and with Spain. With respect to Spain, we have seen nothing which leads us to suspect that either attachment to religion, or the ties of consanguinity, or regard to the ancient system of Europe, was likely to induce that court to connect itself in offensive war against France. The war was evidently and incontestably begun by France against Spain.

The case of Holland is so fresh in every man's recollection, and so connected with the immediate causes of the war with this country, that it cannot require one word of observation. What shall I say, then, on the case of Portugal? I cannot,

indeed, say that France ever declared war against that country. I can hardly say even that she ever made war, but she required them to make a treaty of peace as if they had been at war; she obliged them to purchase that treaty; she broke it as soon as it was purchased; and she had originally no other ground of complaint than this, that Portugal had performed, though inadequately, the engagements of its ancient defensive alliance with this country in the character of an auxiliary —a conduct which cannot of itself make any power a principal in a war.

I have now enumerated all the nations at war at that period, with the exception only of Naples. It can hardly be necessary to call to the recollection of the House the characteristic feature of revolutionary principles which was shown, even at this early period, in the personal insult offered to the king of Naples by the commander of a French squadron riding uncontrolled in the Mediterranean, and (while our fleets were yet unarmed) threatening destruction to all the coast of Italy.

It was not till a considerably later period that almost all the other nations of Europe found themselves equally involved in actual hostility; but it is not a little material to the whole of my argument, compared with the statement of the learned gentleman and with that contained in the French note, to examine at what period this hostility extended itself. It extended itself, in the course of 1796, to the states of Italy which had hitherto been exempted from it. In 1797 it had ended in the destruction of most of them; it had ended in the virtual deposition of the king of Sardinia; it had ended in the conversion of Genoa and Tuscany into democratic republics; it had ended in the revolution of Venice, in the violation of treaties with the new Venetian

republic; and, finally, in transferring that very republic, the creature and vassal of France, to the dominion of Austria.

I observe from the gestures of some honorable gentlemen that they think we are precluded from the use of any argument founded on this last transaction. I already hear them saying that it was as criminal in Austria to receive as it was in France to give. I am far from defending or palliating the conduct of Austria upon this occasion. But because Austria, unable at last to contend with the arms of France, was forced to accept an unjust and insufficient indemnification for the conquests France had made from it, are we to be debarred from stating what, on the part of France, was not merely an unjust acquisition, but an act of the grossest and most aggravated perfidy and cruelty, and one of the most striking specimens of that system which has been uniformly and indiscriminately applied to all the countries which France has had within its grasp?

This only can be said in vindication of France (and it is still more a vindication of Austria), that, practically speaking, if there is any part of this transaction for which Venice itself has reason to be grateful, it can only be for the permission to exchange the embraces of French fraternity for what is called the despotism of Vienna.

Let these facts and these dates be compared with what we have heard. The honorable gentleman has told us, and the author of the note from France has told us also, that all the French conquests were produced by the operations of the allies. It was when they were pressed on all sides, when their own territory was in danger, when their own independence was in question, when the confederacy appeared too strong, it was then they used the means with which their

power and their courage furnished them, and, "attacked upon all sides, they carried everywhere their defensive arms."

I do not wish to misrepresent the learned gentleman, but I understood him to speak of this sentiment with approbation. The sentiment itself is this, that if a nation is unjustly attacked in any one quarter by others, she cannot stop to consider by whom, but must find means of strength in other quarters, no matter where; and is justified in attacking, in her turn, those with whom she is at peace, and from whom she has received no species of provocation.

Sir, I hope I have already proved, in a great measure, that no such attack was made upon France; but, if it was made, I maintain that the whole ground on which that argument is founded cannot be tolerated. In the name of the laws of nature and nations, in the name of everything that is sacred and honorable, I demur to that plea; and I tell that honorable and learned gentleman that he would do well to look again into the law of nations before he ventures to come to this House to give the sanction of his authority to so dreadful and execrable a system.

I certainly understood this to be distinctly the tenor of the learned gentleman's argument, but as he tells me he did not use it, I take it for granted he did not intend to use it. I rejoice that he did not; but at least, then, I have a right to expect that the learned gentleman should now transfer to the French note some of the indignation which he has hitherto lavished upon the declarations of this country.

This principle, which the learned gentleman disclaims, the French note avows; and I contend, without the fear of contradiction, it is the principle upon which France has uniformly acted. But while the learned gentleman disclaims this proposition, he certainly will admit that he has himself

asserted, and maintained in the whole course of his argument, that the pressure of the war upon France imposed upon her the necessity of those exertions which produced most of the enormities of the revolution, and most of the enormities practised against the other countries of Europe. The House will recollect that in the year 1796, when all these horrors in Italy were beginning, which are the strongest illustrations of the general character of the French revolution, we had begun that negotiation to which the learned gentleman has referred.

England then possessed numerous conquests. England, though not having at that time had the advantage of three of her most splendid victories, England even then appeared undisputed mistress of the sea.

England, having then engrossed the whole wealth of the colonial world; England, having lost nothing of its original possessions; England then comes forward, proposing a general peace, and offering—what? offering the surrender of all that it had acquired, in order to obtain—what? Not the dismemberment, not the partition of ancient France, but the return of a part of those conquests, no one of which could be retained, but in direct contradiction to that original and solemn pledge which is now referred to as the proof of the just and moderate disposition of the French republic. Yet even this offer was not sufficient to procure peace or to arrest the progress of France in her defensive operations against other unoffending countries!

From the pages, however, of the learned gentleman's pamphlet (which, after all its editions, is now fresher in his memory than in that of any other person in this House or in the country), he is furnished with an argument, on the result of the negotiations, on which he appears confidently to rely. He maintains that the single point on which the negotiation

was broken off was the question of the possession of the Austrian Netherlands, and that it is therefore on that ground only that the war has, since that time, been continued.

When this subject was before under discussion, I stated, and I shall state again (notwithstanding the learned gentleman's accusation of my having endeavored to shift the question from its true point), that the question then at issue was not whether the Netherlands should in fact be restored; though even on that question I am not (like the learned gentleman) unprepared to give any opinion. I am ready to say that to leave that territory in the possession of France would be obviously dangerous to the interests of this country, and is inconsistent with the policy which it has uniformly pursued at every period in which it has concerned itself in the general system of the Continent.

But it was not on the decision of this question of expediency and policy that the issue of the negotiation then turned. What was required of us by France was, not merely that we should acquiesce in her retaining the Netherlands, but that, as a preliminary to all treaty, and before entering upon the discussion of terms, we should recognize the principle that whatever France, in time of war, had annexed to the republic must remain inseparable forever, and could not become the subject of negotiation.

I say that in refusing such a preliminary we were only resisting the claim of France to arrogate to itself the power of controlling, by its own separate and municipal acts, the rights and interests of other countries, and molding, at its discretion, a new and general code of the law of nations.

In reviewing the issue of this negotiation, it is important to observe that France, who began by abjuring a love of conquest, was desired to give up nothing of her own, not even to

give up all that she had conquered; that it was offered to her to receive back all that had been conquered from her; and when she rejected the negotiation for peace upon these grounds, are we then to be told of the unrelenting hostility of the combined powers, for which France was to revenge itself upon other countries, and which is to justify the subversion of every established government, and the destruction of property, religion, and domestic comfort from one end of Italy to the other? Such was the effect of the war against Modena, against Genoa, against Tuscany, against Venice, against Rome, and against Naples, all of which she engaged in, or prosecuted, subsequent to this very period.

After this, in the year 1797, Austria had made peace; England and its ally, Portugal (from whom we could expect little active assistance, but whom we felt it our duty to defend), alone remained in the war. In that situation, under the pressure of necessity, which I shall not disguise, we made another attempt to negotiate. In 1797, Prussia, Spain, Austria, Naples, having successively made peace, the princes of Italy having been destroyed, France having surrounded itself, in almost every part in which it is not surrounded by the sea, with revolutionary republics, England made another offer of a different nature. It was not now a demand that France should restore anything.

Austria having made a peace upon her own terms, England had nothing to require with regard to her allies, she asked no restitution of the dominions added to France in Europe. So far from retaining anything French out of Europe, we freely offered them all, demanding only, as a poor compensation, to retain a part of what we had acquired by arms from Holland, then identified with France. This proposal also, sir, was proudly refused, in a way which the learned gentle-

man himself has not attempted to justify, indeed of which he has spoken with detestation. I wish, since he has not finally abjured his duty in this House, that that detestation had been stated earlier; that he had mixed his own voice with the general voice of his country on the result of that negotiation.

Let us look at the conduct of France immediately subsequent to this period. She had spurned the offers of Great Britain; she had reduced her Continental enemies to the necessity of accepting a precarious peace; she had (in spite of those pledges repeatedly made and uniformly violated) surrounded herself by new conquests on every part of her frontier but one. That one was Switzerland. The first effect of being relieved from the war with Austria, of being secured against all fears of Continental invasion on the ancient territory of France, was their unprovoked attack against this unoffending and devoted country.

This was one of the scenes which satisfied even those who were the most incredulous that France had thrown off the mask, "if indeed she had ever worn it." It collected, in one view, many of the characteristic features of that revolutionary system which I have endeavored to trace—the perfidy which alone rendered their arms successful—the pretexts of which they availed themselves to produce division and prepare the entrance of Jacobinism in that country—the proposal of armistice, one of the known and regular engines of the revolution, which was, as usual, the immediate prelude to military execution, attended with cruelty and barbarity of which there are few examples.

All these are known to the world. The country they attacked was one which had long been the faithful ally of France, which, instead of giving cause of jealousy to any

other power, had been for ages proverbial for the simplicity and innocence of its manners, and which had acquired and preserved the esteem of all the nations of Europe; which had almost, by the common consent of mankind, been exempted from the sound of war, and marked out as a land of Goshen, safe and untouched in the midst of surrounding calamities.

Look, then, at the fate of Switzerland, at the circumstances which led to its destruction. Add this instance to the catalogue of aggression against all Europe, and then tell me whether the system I have described has not been prosecuted with an unrelenting spirit which cannot be subdued in adversity, which cannot be appeased in prosperity, which neither solemn professions, nor the general law of nations, nor the obligation of treaties (whether previous to the revolution or subsequent to it), could restrain from the subversion of every state into which, either by force or fraud, their arms could penetrate.

Then tell me, whether the disasters of Europe are to be charged upon the provocation of this country and its allies, or on the inherent principle of the French revolution, of which the natural result produced so much misery and carnage in France and carried desolation and terror over so large a portion of the world.

Sir, much as I have now stated, I have not finished the catalogue. America, almost as much as Switzerland, perhaps, contributed to that change which has taken place in the minds of those who were originally partial to the principles of the French government. The hostility against America followed a long course of neutrality adhered to under the strongest provocations, or rather of repeated compliances to France, with which we might well have been dissatisfied. It was on the face of it unjust and wanton; and it was accompanied

by those instances of sordid corruption which shocked and disgusted even the enthusiastic admirers of revolutionary purity and threw a new light on the genius of revolutionary government.

After this, it remains only shortly to remind gentlemen of the aggression against Egypt, not omitting, however, to notice the capture of Malta in the way to Egypt. Inconsiderable as that island may be thought, compared with the scenes we have witnessed, let it be remembered that it is an island of which the government had long been recognized by every state of Europe, against which France pretended no cause of war, and whose independence was as dear to itself and as sacred as that of any country in Europe. It was in fact not unimportant, from its local situation to the other powers of Europe; but in proportion as any man may diminish its importance the instance will only serve the more to illustrate and confirm the proposition which I have maintained.

The all-searching eye of the French Revolution looks to every part of Europe and every quarter of the world in which can be found an object either of acquisition or plunder. Nothing is too great for the temerity of its ambition, nothing too small or insignificant for the grasp of its rapacity. From hence Bonaparte and his army proceeded to Egypt.

The attack was made, pretences were held out to the natives of that country in the name of the French king whom they had murdered. They pretended to have the approbation of the Grand Seignior whose territory they were violating; their project was carried on under the profession of a zeal for Mohammedanism; it was carried on by proclaiming that France had been reconciled to the Mussulman faith, had abjured that of Christianity, or, as he in his impious language termed it, of the sect of the Messiah.

The only plea which they have since held out to color this atrocious invasion of a neutral and friendly territory is that it was the road to attack the English power in India. It is most unquestionably true that this was one and a principal cause of this unparalleled outrage; but another and an equally substantial cause (as appears by their own statements) was the division and partition of the territories of what they thought a falling power. It is impossible to dismiss this subject without observing that this attack against Egypt was accompanied by an attack upon the British possessions in India, made on true revolutionary principles. In Europe the propagation of the principles of France had uniformly prepared the way for the progress of its arms.

To India the lovers of peace had sent the messengers of Jacobinism for the purpose of inculcating war in those distant regions on Jacobin principles, and of forming Jacobin clubs, which they actually succeeded in establishing, and which in most respects resembled the European model, but which were distinguished by this peculiarity, that they were required to swear in one breath hatred to tyranny, the love of liberty, and the destruction of all kings and sovereigns, except the good and faithful ally of the French republic, Citizen Tippoo.

What, then, was the nature of this system? Was it anything but what I have stated it to be—an insatiable love of aggrandizement, an implacable spirit of destruction against all the civil and religious institutions of every country? This is the first moving and acting spirit of the French Revolution; this is the spirit which animated it at its birth, and this is the spirit which will not desert it till the moment of its dissolution, "which grew with its growth, which strengthened with its strength," but which has not abated under its mis-

fortunes nor declined in its decay. It has been invariably the same in every period, operating more or less, according as accident or circumstances might assist it; but it has been inherent in the revolution in all its stages; it has equally belonged to Brissot, to Robespierre, to Tallien, to Reubel, to Barras, and to every one of the leaders of the Directory, but to none more than to Bonaparte, in whom now all their powers are united.

What are its characters? Can it be accident that produced them? No, it is only from the alliance of the most horrid principles, with the most horrid means, that such miseries could have been brought upon Europe. It is this paradox which we must always keep in mind when we are discussing any question relative to the effects of the French Revolution. Groaning under every degree of misery, the victim of his own crimes, and as I once before expressed in this House, asking pardon of God and of man for the miseries which it has brought upon itself and others, France still retains (while it has left neither means of comfort nor almost of subsistence to its own inhabitants) new and unexampled means of annoyance and destruction against all the other powers of Europe.

Its first fundamental principle was to bribe the poor against the rich, by proposing to transfer into new hands, on the delusive notion of equality, and in breach of every principle of justice, the whole property of the country. The practical application of this principle was to devote the whole of that property to indiscriminate plunder, and to make it the foundation of a revolutionary system of finance, productive in proportion to the misery and desolation which it created.

It has been accompanied by an unwearied spirit of pro-

selytism, diffusing itself over all the nations of the earth: a spirit which can apply itself to all circumstances and all situations, which can furnish a list of grievances and hold out a promise of redress equally to all nations; which inspired the teachers of French liberty with the hope of alike recommending themselves to those who live under the feudal code of the German empire; to the various states of Italy, under all their different institutions; to the old republicans of Holland, and to the new republicans of America; to the Catholic of Ireland, whom it was to deliver from Protestant usurpation; to the Protestant of Switzerland, whom it was to deliver from popish superstition; and to the Mussulman of Egypt, whom it was to deliver from Christian persecution; to the remote Indian, blindly bigoted to his ancient institutions; and to the natives of Great Britain, enjoying the perfection of practical freedom, and justly attached to their constitution, from the joint result of habit, of reason, and of experience.

The last and distinguishing feature is a perfidy which nothing can bind, which no tie of treaty, no sense of the principles generally received among nations, no obligation, human or divine, can restrain. Thus qualified, thus armed for destruction, the genius of the French Revolution marched forth, the terror and dismay of the world. Every nation has in its turn been the witness, many have been the victims of its principles; and it is left for us to decide whether we will compromise with such a danger while we have yet resources to supply the sinews of war, while the heart and spirit of the country is yet unbroken, and while we have the means of calling forth and supporting a powerful co-operation in Europe.

Much more might be said on this part of the subject; but

if what I have said already is a faithful, though only an imperfect, sketch of those excesses and outrages which even history itself will hereafter be unable fully to represent and record, and a just representation of the principle and source from which they originated, will any man say that we ought to accept a precarious security against so tremendous a danger? Much more—will he pretend, after the experience of all that has passed in the different stages of the French Revolution, that we ought to be deterred from probing this great question to the bottom, and from examining, without ceremony or disguise, whether the change which has recently taken place in France is sufficient now to give security, not against a common danger, but against such a danger as that which I have described?

In examining this part of the subject let it be remembered that there is one other characteristic of the French Revolution as striking as its dreadful and destructive principles: I mean the instability of its government, which has been of itself sufficient to destroy all reliance, if any such reliance could at any time have been placed on the good faith of any of its rulers. Such has been the incredible rapidity with which the revolutions in France have succeeded each other, that I believe the names of those who have successively exercised absolute power under the pretense of liberty are to be numbered by the years of the revolution, and by each of the new constitutions, which, under the same pretense, has in its turn been imposed by force on France: all of which alike were founded upon principles which professed to be universal, and was intended to be established and perpetuated among all the nations of the earth. Each of these will be found, upon an average, to have had about two years as the period of its duration,

Under this revolutionary system, accompanied with this perpetual fluctuation and change, both in the form of the government and in the persons of the rulers, what is the security which has hitherto existed, and what new security is now offered? Before an answer is given to this question, let me sum up the history of all the revolutionary governments of France, and of their characters in relation to other powers, in words more emphatical than any which I could use—the memorable words pronounced on the eve of this last constitution by the orator who was selected to report to an assembly, surrounded by a file of grenadiers, the new form of liberty which it was destined to enjoy under the auspices of General Bonaparte. From this reporter, the mouth and organ of the new government, we learn this important lesson:

"It is easy to conceive why peace was not concluded before the establishment of the constitutional government. The only government which then existed described itself as revolutionary; it was, in fact, only the tyranny of a few men who were soon overthrown by others, and it consequently presented no stability of principles or of views, no security either with respect to men or with respect to things.

"It should seem that that stability and that security ought to have existed from the establishment and as the effect of the constitutional system; and yet they did not exist more, perhaps even less, than they had done before. In truth we did make some partial treaties; we signed a Continental peace, and a general congress was held to confirm it; but these treaties, these diplomatic conferences, appear to have been the source of a new war more inveterate and more bloody than before.

"Before the 18th Fructidor (4th September) of the fifth year, the French government exhibited to foreign nations so uncertain an existence that they refused to treat with it. After this great event the whole power was absorbed in the Directory; the legislative body can hardly be said to have existed; treaties of peace were broken, and war carried every-

where, without that body having any share in those measures. The same Directory, after having intimidated all Europe, and destroyed, at its pleasure, several governments, neither knowing how to make peace or war, or how even to establish itself, was overturned by a breath on the 13th Prairial (18th June), to make room for other men, influenced perhaps by different views, or who might be governed by different principles.

"Judging, then, only from notorious facts, the French government must be considered as exhibiting nothing fixed, neither in respect to men nor to things."

Here, then, is the picture, down to the period of the last revolution, of the state of France under all its successive governments!

Having taken a view of what it was, let us now examine what it is. In the first place we see, as has been truly stated, a change in the description and form of the sovereign authority. A supreme power is placed at the head of this nominal republic, with a more open avowal of military despotism than at any former period; with a more open and undisguised abandonment of the names and pretences under which that despotism long attempted to conceal itself. The different institutions, republican in their form and appearance, which were before the instruments of that despotism, are now annihilated; they have given way to the absolute power of one man, concentrating in himself all the authority of the state, and differing from other monarchs only in this, that (as my honorable friend, Mr. Canning, truly stated it) he wields a sword instead of a sceptre. What, then, is the confidence we are to derive either from the frame of the government or from the character and past conduct of the person who is now the absolute ruler of France?

Had we seen a man of whom we had no previous knowledge suddenly invested with the sovereign authority of the

country; invested with the power of taxation, with the power of the sword, the power of war and peace, the unlimited power of commanding the resources, of disposing of the lives and fortunes of every man in France; if we had seen at the same moment all the inferior machinery of the revolution, which, under the variety of successive shocks, had kept the system in motion, still remaining entire, all that, by requisition and plunder, had given activity to the revolutionary system of finance, and had furnished the means of creating an army, by converting every man who was of age to bear arms into a soldier, not for the defence of his own country, but for the sake of carrying the war into the country of the enemy; if we had seen all the subordinate instruments of Jacobin power subsisting in their full force, and retaining (to use the French phrase) all their original organization; and had then observed this single change in the conduct of their affairs that there was now one man, with no rival to thwart his measures, no colleague to divide his powers, no council to control his operations, no liberty of speaking or writing, no expression of public opinion to check or influence his conduct; under such circumstances should we be wrong to pause, or wait for the evidence of facts and experience, before we consented to trust our safety to the forbearance of a single man, in such a situation, and to relinquish those means of defence which have hitherto carried us safe through all the storms of the revolution? if we were to ask what are the principles and character of this stranger to whom fortune has suddenly committed the concerns of a great and powerful nation?

But is this the actual state of the present question? Are we talking of a stranger of whom we have heard nothing? No, sir; we have heard of him; we, and Europe, and the

world, have heard both of him and of the satellites by whom he is surrounded, and it is impossible to discuss fairly the propriety of any answer which could be returned to his overtures of negotiation without taking into consideration the inferences to be drawn from his personal character and conduct.

I know it is the fashion with some gentlemen to represent any reference to topics of this nature as invidious and irritating; but the truth is that they rise unavoidably out of the very nature of the question. Would it have been possible for ministers to discharge their duty, in offering their advice to their sovereign, either for accepting or declining negotiations, without taking into their account the reliance to be placed on the disposition and the principles of the person on whose disposition and principles the security to be obtained by treaty must, in the present circumstances, principally depend? Or would they act honestly or candidly toward Parliament and toward the country if, having been guided by these considerations, they forbore to state, publicly and distinctly, the real grounds which have influenced their decision; and if, from a false delicacy and groundless timidity, they purposely declined an examination of a point the most essential toward enabling Parliament to form a just determination on so important a subject?

What opinon, then, are we led to form of the pretensions of the consul to those particular qualities for which, in the official note, his personal character is represented to us as the surest pledge of peace? We are told this is his second attempt at general pacification. Let us see, for a moment, how this attempt has been conducted. There is, indeed, as the learned gentleman has said, a word in the first declaration which refers to general peace, and which states this to

be the second time in which the consul has endeavored to accomplish that object.

We thought fit, for the reasons which have been assigned, to decline altogether the proposal of treating under the present circumstances, but we, at the same time, expressly stated that whenever the moment for treaty should arrive we would in no case treat but in conjunction with our allies.

Our general refusal to negotiate at the present moment does not prevent the consul from renewing his overtures; but are they renewed for the purpose of general pacification? Though he had hinted at general peace in the terms of his first note; though we had shown by our answer that we deemed negotiation, even for general peace, at this moment inadmissible; though we added that, even at any future period, we would treat only in conjunction with our allies, what was the proposal contained in his last note? To treat for a separate peace between Great Britain and France.

Such was the second attempt to effect general pacification —a proposal for a separate treaty with Great Britain. What had been the first? The conclusion of a separate treaty with Austria; and there are two anecdotes connected with the conclusion of this treaty which are sufficient to illustrate the disposition of the pacificator of Europe. This very treaty of Campo Formio was ostentatiously professed to be concluded with the emperor for the purpose of enabling Bonaparte to take the command of the army of England, and to dictate a separate peace with this country on the banks of the Thames. But there is this additional circumstance, singular beyond all conception, considering that we are now referred to the treaty of Campo Formio as a proof of the personal disposition of the consul to general peace.

He sent his two confidential and chosen friends, Berthier

and Monge, charged to communicate to the Directory this treaty of Campo Formio; to announce to them that one enemy was humbled, that the war with Austria was terminated, and, therefore, that now was the moment to prosecute their operations against this country; they used on this occasion the memorable words, "The kingdom of Great Britain and the French republic cannot exist together." This, I say, was the solemn declaration of the deputies and embassadors of Bonaparte himself, offering to the Directory the first-fruits of this first attempt at general pacification.

So much for his disposition toward general pacification. Let us look next at the part he has taken in the different stages of the French revolution, and let us then judge whether we are to look to him as the security against revolutionary principles. Let us determine what reliance we can place on his engagements with other countries when we see how he has observed his engagements to his own. When the constitution of the third year was established under Barras, that constitution was imposed by the arms of Bonaparte, then commanding the army of the triumvirate in Paris. To that constitution he then swore fidelity. How often he has repeated the same oath I know not, but twice, at least, we know that he has not only repeated it himself, but tendered it to others, under circumstances too striking not to be stated.

Sir, the House cannot have forgotten the revolution of the 4th of September, which produced the dismissal of Lord Malmesbury from Lisle. How was that revolution procured? It was produced chiefly by the promise of Bonaparte, in the name of his army, decidedly to support the Directory in those measures which led to the infringement and violation of everything that the authors of the constitution of 1795, or its adherents, could consider as fundamental, and which established

a system of despotism inferior only to that now realized in his own person. Immediately before this event, in the midst of the desolation and bloodshed of Italy, he had received the sacred present of new banners from the Directory; he delivered them to his army with this exhortation:

"Let us swear, fellow soldiers, by the names of the patriots who have died by our side, eternal hatred to the enemies of the constitution of the third year,"—

—that very constitution which he soon after enabled the Directory to violate, and which, at the head of his grenadiers, he has now finally destroyed. Sir, that oath was again renewed in the midst of that very scene to which I have last referred; the oath of fidelity to the constitution of the third year was administered to all the members of the assembly then sitting, under the terror of the bayonet, as the solemn preparation for the business of the day; and the morning was ushered in with swearing attachment to the constitution that the evening might close with its destruction.

If we carry our views out of France and look at the dreadful catalogue of all the breaches of treaty, all the acts of perfidy at which I have only glanced, and which are precisely commensurate with the number of treaties which the republic has made (for I have sought in vain for any one which it has made and which it has not broken), if we trace the history of them all from the beginning of the revolution to the present time, or if we select those which have been accompanied by the most atrocious cruelty and marked the most strongly with the characteristic features of the revolution, the name of Bonaparte will be found allied to more of them than that of any other that can be handed down in the history of the crimes and miseries of the last ten years. His name will be recorded with the horrors committed in Italy,

in the memorable campaign of 1796 and 1797, in the Milanese, in Genoa, in Modena, in Tuscany, in Rome, and in Venice.

His entrance into Lombardy was announced by a solemn proclamation, issued on the 27th of April, 1796, which terminated with these words:

"Nations of Italy! the French army is come to break your chains, the French are the friends of the people in every country; your religion, your property, your customs, shall be respected."

This was followed by a second proclamation dated from Milan 20th of May and signed "Bonaparte," in these terms:

"Respect for property and personal security; respect for the religion of countries: these are the sentiments of the government of the French republic and of the army of Italy. The French, victorious, consider the nations of Lombardy as their brothers."

In testimony of this fraternity, and to fulfill the solemn pledge of respecting property, this very proclamation imposed on the Milanese a provisional contribution to the amount of twenty millions of livres, or near one million sterling, and successive exactions were afterward levied on that single state to the amount, in the whole, of near six millions sterling.

The regard to religion and to the customs of the country was manifested with the same scrupulous fidelity. The churches were given up to indiscriminate plunder. Every religious and charitable fund, every public treasure, was confiscated. The country was made the scene of every species of disorder and rapine. The priests, the established form of worship, all the objects of religious reverence, were openly insulted by the French troops; at Pavia, particularly, the

tomb of St. Augustin, which the inhabitants were accustomed to view with peculiar veneration, was mutilated and defaced; this last provocation having roused the resentment of the people, they flew to arms, surrounded the French garrison and took them prisoners, but carefully abstained from offering any violence to a single soldier.

In revenge for this conduct, Bonaparte, then on his march to the Mincio, suddenly returned, collected his troops, and carried the extremity of military execution over the country. He burned the town of Benasco and massacred eight hundred of its inhabitants; he marched to Pavia, took it by storm, and delivered it over to general plunder, and published, at the same moment, a proclamation, of the 26th of May, ordering his troops to shoot all those who had not laid down their arms and taken an oath of obedience, and to burn every village where the tocsin should be sounded, and to put its inhabitants to death.

The transactions with Modena were on a smaller scale, but in the same character. Bonaparte began by signing a treaty by which the duke of Modena was to pay twelve millions of livres, and neutrality was promised him in return; this was soon followed by the personal arrest of the duke and by a fresh extortion of two hundred thousand sequins. After this he was permitted, on the payment of a farther sum, to sign another treaty, called a *convention de sureté*, which of course was only the prelude to the repetition of similar exactions.

Nearly at the same period, in violation of the rights of neutrality and of the treaty which had been concluded between the French republic and the grand duke of Tuscany in the preceding year, and in breach of a positive promise given only a few days before, the French army forcibly took possession of Leghorn, for the purpose of seizing the British prop-

erty which was deposited there and confiscating it as prize; and shortly after, when Bonaparte agreed to evacuate Leghorn in return for the evacuation of the island of Elba, which was in possession of the British troops, he insisted upon a separate article by which, in addition to the plunder before obtained, by the infraction of the law of nations, it was stipulated that the grand duke should pay the expense which the French had incurred by this invasion of his territory.

In the proceedings toward Genoa we shall find not only a continuance of the same system of extortion and plunder, in violation of the solemn pledge contained in the proclamations already referred to, but a striking instance of the revolutionary means employed for the destruction of independent governments. A French minister was at that time resident at Genoa, which was acknowledged by France to be in a state of neutrality and friendship; in breach of this neutrality Bonaparte began, in the year 1796, with the demand of a loan. He afterward, from the month of September, required and enforced the payment of a monthly subsidy, to the amount which he thought proper to stipulate.

These exactions were accompanied by repeated assurances and protestations of friendship; they were followed, in May, 1797, by a conspiracy against the government, fomented by the emissaries of the French embassy, and conducted by the partisans of France, encouraged, and afterward protected by the French minister. The conspirators failed in their first attempt. Overpowered by the courage and voluntary exertions of the inhabitants, their force was dispersed and many of their number were arrested. Bonaparte instantly considered the defeat of the conspirators as an act of aggression against the French republic; he dispatched an aid-de-camp

with an order to the Senate of this independent state: first, to release all the French who were detained; secondly, to punish those who had arrested them; thirdly, to declare that they had no share in the insurrection; and fourthly, to disarm the people. Several French prisoners were immediately released, and a proclamation was preparing to disarm the inhabitants, when, by a second note, Bonaparte required the arrest of the three inquisitors of state, and immediate alterations in the constitution.

He accompanied this with an order to the French minister to quit Genoa if his commands were not immediately carried into execution; at the same moment his troops entered the territory of the republic, and shortly after, the councils, intimidated and overpowered, abdicated their functions. Three deputies were then sent to Bonaparte to receive from him a new constitution.

On the 6th of June, after the conferences at Montebello, he signed a convention, or rather issued a decree, by which he fixed the new form of their government; he himself named provisionally all the members who were to compose it, and he required the payment of seven millions of livres as the price of the subversion of their constitution and their independence. These transactions require but one short comment. It is to be found in the official account given of them at Paris; which is in these memorable words:

"General Bonaparte has pursued the only line of conduct which could be allowed in the representative of a nation which has supported the war only to procure the solemn acknowledgment of the right of nations to change the form of their government. He contributed nothing toward the revolution of Genoa, but he seized the first moment to acknowledge the new government, as soon as he saw that it was the result of the wishes of the people."

It is unnecessary to dwell on the wanton attacks against Rome, under the direction of Bonaparte himself, in the year 1796 and in the beginning of 1797, which terminated first by the treaty of Tolentino concluded by Bonaparte, in which, by enormous sacrifices, the Pope was allowed to purchase the acknowledgment of his authority as a sovereign prince; and secondly, by the violation of that very treaty, and the subversion of the papal authority by Joseph Bonaparte, the brother and the agent of the general, and the minister of the French Republic to the Holy See,—a transaction accompanied by outrages and insults toward the pious and venerable pontiff, in spite of the sanctity of his age and the unsullied purity of his character, which even to a Protestant seem hardly short of the guilt of sacrilege.

But of all the disgusting and tragical scenes which took place in Italy in the course of the period I am describing, those which passed at Venice are perhaps the most striking and the most characteristic. In May, 1796, the French army, under Bonaparte, in the full tide of its success against the Austrians, first approached the territories of this republic, which from the commencement of the war had observed a rigid neutrality. Their entrance on these territories was, as usual, accompanied by a solemn proclamation in the name of their general:

"BONAPARTE TO THE REPUBLIC OF VENICE!"

"It is to deliver the finest country in Europe from the iron yoke of the proud house of Austria that the French army has braved obstacles the most difficult to surmount. Victory in union with justice has crowned its efforts. The wreck of the enemy's army has retired behind the Mincio. The French army, in order to follow them, passes over the territory of the republic of Venice; but it will never forget that ancient friendship unites the two republics. Religion, gov-

ernment, customs, and property shall be respected. That the people may be without apprehension, the most severe discipline shall be maintained. All that may be provided for the army shall be faithfully paid for in money. The general-in-chief engages the officers of the republic of Venice, the magistrates, and the priests, to make known these sentiments to the people in order that confidence may cement that friendship which has so long united the two nations. Faithful in the path of honor as in that of victory, the French soldier is terrible only to the enemies of his liberty and his government.

"BONAPARTE."

This proclamation was followed by exactions similar to those which were practised against Genoa, by the renewal of similar professions of friendship and the use of similar means to incite insurrection. At length, in the spring of 1797, occasion was taken from disturbances thus excited to forge in the name of the Venetian government a proclamation hostile to France, and this proceeding was made the ground for military execution against the country, and for effecting by force the subversion of its ancient government and the establishment of the democratic forms of the French Revolution. This revolution was sealed by a treaty, signed in May, 1797, between Bonaparte and commissioners appointed on the part of the new and revolutionary government of Venice.

By the second and third secret articles of this treaty Venice agreed to give as a ransom, to secure itself against all further exactions or demands, the sum of three millions of livres in money, the value of three millions more in articles of naval supply, and three ships of the line; and it received in return the assurances of the friendship and support of the French Republic. Immediately after the signature of this treaty, the arsenal, the library, and the palace of St. Marc were ran-

sacked and plundered, and heavy additional contributions were imposed upon its inhabitants. And in not more than four months afterward this very republic of Venice, united by alliance to France, the creature of Bonaparte himself, from whom it had received the present of French liberty, was by the same Bonaparte transferred, under the treaty of Campo Formio, to "that iron yoke of the proud house of Austria," to deliver it from which he had represented in his first proclamation to be the great object of all his operations.

Sir, all this is followed by the memorable expedition into Egypt, which I mention, not merely because it forms a principal article in the catalogue of those acts of violence and perfidy in which Bonaparte has been engaged; not merely because it was an enterprise peculiarly his own, of which he was himself the planner, the executor, and the betrayer; but chiefly because when from thence he retires to a different scene to take possession of a new throne, from which he is to speak upon an equality with the kings and governors of Europe, he leaves behind him at the moment of his departure a specimen, which cannot be mistaken, of his principles of negotiation.

The intercepted correspondence which has been alluded to in this debate seems to afford the strongest ground to believe that his offers to the Turkish government to evacuate Egypt were made solely with a view to gain time; that the ratification of any treaty on this subject was to be delayed with the view of finally eluding its performance if any change of circumstances favorable to the French should occur in the interval. But whatever gentlemen may think of the intention with which these offers were made, there will at least be no question with respect to the credit due to those professions by

which he endeavored to prove in Egypt his pacific dispositions. He expressly enjoins his successor strongly and steadily to insist, in all his intercourse with the Turks, that he came to Egypt with no hostile design, and that he never meant to keep possession of the country; while on the opposite page of the same instructions he states in the most unequivocal manner his regret at the discomfiture of his favorite project of colonizing Egypt and of maintaining it as a territorial acquisition.

Now, sir, if in any note addressed to the Grand Vizier or the Sultan, Bonaparte had claimed credit for the sincerity of his professions, that he came to Egypt with no view hostile to Turkey and solely for the purpose of molesting the British interests, is there any one argument now used to induce us to believe his present professions to us which might not have been equally urged on that occasion? Would not those professions have been equally supported by solemn asseveration, by the same reference which is now made to personal character, with this single difference, that they would have then had one instance less of hypocrisy and falsehood, which we have since had occasion to trace in this very transaction?

It is unnecessary to say more with respect to the credit due to his professions or the reliance to be placed on his general character. But it will perhaps be argued that whatever may be his character or whatever has been his past conduct, he has now an interest in making and observing peace. That he has an interest in making peace is at best but a doubtful proposition, and that he has an interest in preserving it is still more uncertain. That it is his interest to negotiate I do not indeed deny. It is his interest, above all, to engage this country in separate negotiation in order to loosen and dissolve the whole system of the confederacy on the Continent, to

palsy at once the arms of Russia, or of Austria, or of any other country that might look to you for support; and then either to break off his separate treaty, or, if he should have concluded it, to apply the lesson which is taught in his school of policy in Egypt, and to revive at his pleasure those claims of indemnification which may have been reserved to some happier period.

This is precisely the interest which he has in negotiation. But on what grounds are we to be convinced that he has an interest in concluding and observing a solid and permanent pacification? Under all the circumstances of his personal character, and his newly acquired power, what other security has he for retaining that power but the sword? His hold upon France is the sword, and he has no other. Is he connected with the soil, or with the habits, the affections, or the prejudices of the country? He is a stranger, a foreigner, and a usurper. He unites in his own person everything that a pure republican must detest; everything that an enraged Jacobin has abjured; everything that a sincere and faithful royalist must feel as an insult. If he is opposed at any time in his career, what is his appeal? He appeals to his fortune; in other words, to his army and his sword. Placing, then, his whole reliance upon military support, can he afford to let his military renown pass away, to let his laurels wither, to let the memory of his trophies sink in obscurity? Is it certain that, with his army confined within France and restrained from inroads upon her neighbors, he can maintain at his devotion a force sufficiently numerous to support his power? Having no object but the possession of absolute dominion, no passion but military glory, is it to be reckoned as certain that he can feel such an interest in permanent peace as would justify us in laying down our arms, reducing our

expense, and relinquishing our means of security, on the faith of his engagements?

Do we believe that, after the conclusion of peace, he would not still sigh over the lost trophies of Egypt, wrested from him by the celebrated victory of Aboukir and the brilliant exertions of that heroic band of British seamen whose influence and example rendered the Turkish troops invincible at Acre? Can he forget that the effect of these exploits enabled Austria and Russia in one campaign to recover from France all which she had acquired by his victories, to dissolve the charm which for a time fascinated Europe, and to show that their generals, contending in a just cause, could efface even by their success and their military glory the most dazzling triumphs of his victorious and desolating ambition?

Can we believe, with these impressions on his mind, that if, after a year, eighteen months, or two years of peace had elapsed, he should be tempted by the appearance of fresh insurrection in Ireland, encouraged by renewed and unrestrained communication with France, and fomented by the fresh infusion of Jacobin principles; if we were at such a moment without a fleet to watch the ports of France or to guard the coasts of Ireland, without a disposable army or an embodied militia capable of supplying a speedy and adequate re-enforcement, and that he had suddenly the means of transporting thither a body of twenty or thirty thousand French troops; can we believe that at such a moment his ambition and vindictive spirit would be restrained by the recollection of engagements or the obligation of treaty? Or if, in some new crisis of difficulty and danger to the Ottoman empire, with no British navy in the Mediterranean, no confederacy formed, no force collected to support it, an opportunity should present itself for resuming the abandoned expedition to

Egypt, for renewing the avowed and favorite project of conquering and colonizing that rich and fertile country, and of opening the way to wound some of the vital interests of England and to plunder the treasures of the East in order to fill the bankrupt coffers of France? Would it be the interest of Bonaparte under such circumstances, or his principles, his moderation, his love of peace, his aversion to conquest, and his regard for the independence of other nations—would it be all or any of these that would secure us against an attempt which would leave us only the option of submitting without a struggle to certain loss and disgrace, or of renewing the contest which we had prematurely terminated, without allies, without preparation, with diminished means, and with increased difficulty and hazard?

Hitherto I have spoken only of the reliance which we can place on the professions, the character, and the conduct of the present First Consul; but it remains to consider the stability of his power. The revolution has been marked throughout by a rapid succession of new depositaries of public authority, each supplanting its predecessor. What grounds have we to believe that this new usurpation, more odious and more undisguised than all that preceded it, will be more durable? Is it that we rely on the particular provisions contained in the code of the pretended constitution, which was proclaimed as accepted by the French people as soon as the garrison of Paris declared their determination to exterminate all its enemies, and before any of its articles could even be known to half the country whose consent was required for its establishment?

I will not pretend to inquire deeply into the nature and effects of a constitution which can hardly be regarded but as a farce and a mockery. If, however, it could be supposed that its provisions were to have any effect, it seems equally adapted

to two purposes, that of giving to its founder for a time an absolute and uncontrolled authority, and that of laying the certain foundation of disunion and discord which, if they once prevail, must render the exercise of all the authority under the constitution impossible and leave no appeal but to the sword.

Is, then, military despotism that which we are accustomed to consider as a stable form of government? In all ages of the world it has been attained with the least stability to the persons who exercised it, and with the most rapid succession of changes and revolutions. In the outset of the French revolution its advocates boasted that it furnished a security forever, not to France only, but to all countries in the world, against military despotism; that the force of standing armies was vain and delusive; that no artificial power could resist public opinion; and that it was upon the foundation of public opinion alone that any government could stand. I believe that in this instance, as in every other, the progress of the French revolution has belied its professions; but, so far from its being a proof of the prevalence of public opinion against military force, it is, instead of the proof, the strongest exception from that doctrine which appears in the history of the world.

Through all the stages of the revolution military force has governed and public opinion has scarcely been heard. But still I consider this as only an exception from a general truth. I still believe that in every civilized country not enslaved by a Jacobin faction public opinion is the only sure support of any government. I believe this with the more satisfaction from a conviction that, if this contest is happily terminated, the established governments of Europe will stand upon that rock firmer than ever; and, whatever may be the defects of any particular

constitution, those who live under it will prefer its continuance to the experiment of changes which may plunge them in the unfathomable abyss of revolution, or extricate them from it only to expose them to the terrors of military despotism. And, to apply this to France, I see no reason to believe that the present usurpation will be more permanent than any other military despotism which has been established by the same means and with the same defiance of public opinion.

What, then, is the inference I draw from all that I have now stated? Is it that we will in no case treat with Bonaparte? I say no such thing. But I say, as has been said in the answer returned to the French note, that we ought to wait for "experience and the evidence of facts" before we are convinced that such a treaty is admissible.

The circumstances I have stated would well justify us if we should be slow in being convinced; but on a question of peace and war everything depends upon degree and upon comparison. If on the one hand there should be an appearance that the policy of France is at length guided by different maxims from those which have hitherto prevailed; if we should hereafter see signs of stability in the government which are not now to be traced; if the progress of the allied army should not call forth such a spirit in France as to make it probable that the act of the country itself will destroy the system now prevailing; if the danger, the difficulty, the risk of continuing the contest should increase, while the hope of complete ultimate success should be diminished; all these in their due place are considerations which, with myself and, I can answer for it, with every one of my colleagues, will have their just weight.

But at present these considerations all operate one way; at present there is nothing from which we can presage a favor-

able disposition to change in the French councils. There is the greatest reason to rely on powerful co-operation from our allies; there are the strongest marks of a disposition in the interior of France to active resistance against this new tyranny; and there is every ground to believe, on reviewing our situation and that of the enemy, that, if we are ultimately disappointed of that complete success which we are at present entitled to hope, the continuance of the contest, instead of making our situation comparatively worse, will have made it comparatively better.

If, then, I am asked how long are we to persevere in the war, I can only say that no period can be accurately assigned. Considering the importance of obtaining complete security for the objects for which we contend, we ought not to be discouraged too soon; but, on the contrary, considering the importance of not impairing and exhausting the radical strength of the country, there are limits beyond which we ought not to persist, and which we can determine only by estimating and comparing fairly from time to time the degree of security to be obtained by treaty, and the risk and disadvantage of continuing the contest.

But, sir, there are some gentlemen in the House who seem to consider it already certain that the ultimate success to which I am looking is unattainable. They suppose us contending only for the restoration of the French monarchy, which they believe to be impracticable, and deny to be desirable for this country. We have been asked in the course of this debate: Do you think you can impose monarchy upon France against the will of the nation? I never thought it, I never hoped it, I never wished it. I have thought, I have hoped, I have wished, that the time might come when the effect of the arms of the allies might so far overpower the

military force which keeps France in bondage as to give vent and scope to the thoughts and actions of its inhabitants.

We have indeed already seen abundant proof of what is the disposition of a large part of the country; we have seen almost through the whole of the revolution the western provinces of France deluged with the blood of its inhabitants, obstinately contending for their ancient laws and religion. We have recently seen, in the revival of that war, fresh proof of the zeal which still animates those countries in the same cause. These efforts (I state it distinctly, and there are those near me who can bear witness to the truth of the assertion) were not produced by any instigation from hence; they were the effects of a rooted sentiment prevailing through all those provinces forced into action by the "law of the hostages" and the other tyrannical measures of the Directory, at the moment when we were endeavoring to discourage so hazardous an enterprise.

If under such circumstances we find them giving proofs of their unalterable perseverance in their principles; if there is every reason to believe that the same disposition prevails in many other extensive provinces of France; if every party appears at length equally wearied and disappointed with all the successive changes which the revolution has produced; if the question is no longer between monarchy, and even the pretence and name of liberty, but between the ancient line of hereditary princes on the one hand, and a military tyrant, a foreign usurper, on the other; if the armies of that usurper are likely to find sufficient occupation on the frontiers, and to be forced at length to leave the interior of the country at liberty to manifest its real feeling and disposition; what reason have we to anticipate that the restoration of monarchy under such circumstances is impracticable?

The learned gentleman has indeed told us that almost every man now possessed of property in France must necessarily be interested in resisting such a change, and that therefore it never can be effected. If that single consideration were conclusive against the possibility of a change, for the same reason the revolution itself, by which the whole property of the country was taken from its ancient possessors, could never have taken place. But though I deny it to be an insuperable obstacle, I admit it to be a point of considerable delicacy and difficulty. It is not indeed for us to discuss minutely what arrangement might be formed on this point to conciliate and unite opposite interests.

But whoever considers the precarious tenure and depreciated value of lands held under the revolutionary title, and the low price for which they have generally been obtained, will think it perhaps not impossible that an ample compensation might be made to the bulk of the present possessors, both for the purchase-money they have paid and for the actual value of what they now enjoy; and that the ancient proprietors might be reinstated in the possession of their former rights with only such a temporary sacrifice as reasonable men would willingly make to obtain so essential an object.

The honorable and learned gentleman, however, has supported his reasoning on this part of the subject by an argument which he undoubtedly considers as unanswerable—a reference to what would be his own conduct in similar circumstances; and he tells us that every landed proprietor in France must support the present order of things in that country from the same motive that he and every proprietor of three-per-cent stock would join in the defence of the constitution of Great Britain.

I must do the learned gentleman the justice to believe that

the habits of his profession must supply him with better and nobler motives for defending a constitution which he has had so much occasion to study and examine than any he can derive from the value of his proportion, however large, of three-per-cents, even supposing them to continue to increase in price as rapidly as they have done during the last three years, in which the security and prosperity of the country has been established by following a system directly opposite to the counsels of the learned gentleman and his friends.

The learned gentleman's illustration, however, though it fails with respect to himself, is happily and aptly applied to the state of France; and let us see what inference it furnishes with respect to the probable attachment of moneyed men to the continuance of the revolutionary system, as well as with respect to the general state of public credit in that country?

I do not indeed know that there exists precisely any fund of three-per-cents in France to furnish a test for the patriotism and public spirit of the lovers of French liberty. But there is another fund which may equally answer our purpose. The capital of three-per-cent stock which formerly existed in France has undergone a whimsical operation, similar to many other expedients of finance which we have seen in the course of the revolution. This was performed by a decree which, as they termed it, " republicanized " their debt; that is, in other words, struck off at once two thirds of the capital and left the proprietors to take their chance for the payment of interest on the remainder. This remnant was afterward converted into the present five-per-cent stock.

I had the curiosity very lately to inquire what price it bore in the market, and I was told that the price had somewhat risen from confidence in the new government and was actually as high as seventeen. I really at first supposed that my

informer meant seventeen years' purchase for every pound of interest, and I began to be almost jealous of revolutionary credit; but I soon found that he literally meant seventeen pounds for every hundred pounds capital stock of five per cent; that is a little more than three and a half years' purchase. So much for the value of revolutionary property and for the attachment with which it must inspire its possessors toward the system of government to which that value is to be ascribed.

On the question, sir, how far the restoration of the French monarchy, if practicable, is desirable, I shall not think it necessary to say much. Can it be supposed to be indifferent to us or to the world whether the throne of France is to be filled by a prince of the house of Bourbon or by him whose principles and conduct I have endeavored to develop? Is it nothing, with a view to influence and example, whether the fortune of this last adventurer in the lottery of revolutions shall appear to be permanent? Is it nothing whether a system shall be sanctioned which confirms, by one of its fundamental articles, that general transfer of property from its ancient and lawful possessors, which holds out one of the most terrible examples of national injustice, and which has furnished the great source of revolutionary finance and revolutionary strength against all the powers of Europe?

In the exhausted and impoverished state of France it seems for a time impossible that any system but that of robbery and confiscation, anything but the continued torture which can be applied only by the engines of the revolution, can extort from its ruined inhabitants more than the means of supporting in peace the yearly expenditure of its government. Suppose, then, the heir of the house of Bourbon reinstated on the throne, he will have sufficient occupation in endeavoring, if possible,

to heal the wounds and gradually to repair the losses of ten years of civil convulsion; to reanimate the drooping commerce, to rekindle the industry, to replace the capital, and to revive the manufactures of the country.

Under such circumstances there must probably be a considerable interval before such a monarch, whatever may be his views, can possess the power which can make him formidable to Europe; but while the system of the revolution continues the case is quite different. It is true indeed that even the gigantic and unnatural means by which that revolution has been supported are so far impaired, the influence of its principles and the terror of its arms so far weakened, and its power of action so much contracted and circumscribed, that against the embodied force of Europe, prosecuting a vigorous war, we may justly hope that the remnant and wreck of this system cannot long oppose an effectual resistance.

But, supposing the confederacy of Europe prematurely dissolved; supposing our armies disbanded, our fleets laid up in our harbors, our exertions relaxed, and our means of precaution and defence relinquished; do we believe that the revolutionary power, with this rest and breathing-time given it to recover from the pressure under which it is now sinking, possessing still the means of calling suddenly and violently into action whatever is the remaining physical force of France, under the guidance of military despotism; do we believe that this revolutionary power, the terror of which is now beginning to vanish, will not again prove formidable to Europe?

Can we forget that in the ten years in which that power has subsisted it has brought more misery on surrounding nations and produced more acts of aggression, cruelty, perfidy, and enormous ambition than can be traced in the history of France for the centuries which have elapsed since the foundation of

its monarchy, including all the wars which in the course of that period have been waged by any of those sovereigns whose projects of aggrandizement and violations of treaty afford a constant theme of general reproach against the ancient government of France? And if not, can we hesitate whether we have the best prospect of permanent peace, the best security for the independence and safety of Europe, from the restoration of the lawful government or from the continuance of revolutionary power in the hands of Bonaparte?

In compromise and treaty with such a power, placed in such hands as now exercise it, and retaining the same means of annoyance which it now possesses, I see little hope of permanent security. I see no possibility at this moment of such a peace as would justify that liberal intercourse which is the essence of real amity; no chance of terminating the expenses or the anxieties of war, or of restoring to us any of the advantages of established tranquillity; and, as a sincere lover of peace, I cannot be content with its nominal attainment. I must be desirous of pursuing that system which promises to attain in the end the permanent enjoyment of its solid and substantial blessings for this country and for Europe. As a sincere lover of peace I will not sacrifice it by grasping at the shadow when the reality is not substantially within my reach.

"Cur igitur pacem nolo? Quia infida est, quia periculosa, quia esse non potest."[1]

If, sir, in all that I have now offered to the House, I have succeeded in establishing the proposition that the system of the French Revolution has been such as to afford to foreign powers no adequate ground for security in negotiation, and that the change which has recently taken place has not yet

[1] "Why, then, am I against peace? Because it is faithless, because it is dangerous, because it cannot be maintained."

afforded that security; if I have laid before you a just statement of the nature and extent of the danger with which we have been threatened, it would remain only shortly to consider whether there is anything in the circumstances of the present moment to induce us to accept a security confessedly inadequate against a danger of such a description.

It will be necessary here to say a few words on the subject on which gentlemen have been so fond of dwelling, I mean our former negotiations, and particularly that at Lisle in 1797. I am desirous of stating frankly and openly the true motives which induced me to concur in then recommending negotiation; and I will leave it to the House and to the country to judge whether our conduct at that time was inconsistent with the principles by which we are guided at present.

That revolutionary policy which I have endeavored to describe, that gigantic system of prodigality and bloodshed by which the efforts of France were supported, and which counts for nothing the lives and the property of a nation, had at that period driven us to exertions which had in a great measure exhausted the ordinary means of defraying our immense expenditure, and had led many of those who were the most convinced of the original justice and necessity of the war, and of the danger of Jacobin principles, to doubt the possibility of persisting in it till complete and adequate security could be obtained.

There seemed, too, much reason to believe that without some new measure to check the rapid accumulation of debt we could no longer trust to the stability of that funding system by which the nation had been enabled to support the expense of all the different wars in which we have engaged in the course of the present century. In order to continue our exertions with vigor it became necessary that a new and

solid system of finance should be established, such as could not be rendered effectual but by the general and decided concurrence of public opinion. Such a concurrence in the strong and vigorous measures necessary for the purpose could not then be expected but from satisfying the country, by the strongest and most decided proofs, that peace, on terms in any degree admissible, was unattainable.

Under this impression we thought it our duty to attempt negotiation, not from the sanguine hope, even at that time, that its result could afford us complete security, but from the persuasion that the danger arising from peace under such circumstances was less than that of continuing the war with precarious and inadequate means. The result of those negotiations proved that the enemy would be satisfied with nothing less than the sacrifice of the honor and independence of the country. From this conviction a spirit and enthusiasm was excited in the nation which produced the efforts to which we are indebted for the subsequent change in our situation. Having witnessed that happy change, having observed the increasing prosperity and security of the country from that period, seeing how much more satisfactory our prospects now are than any which we could then have derived from the successful result of negotiation, I have not scrupled to declare that I consider the rupture of the negotiation, on the part of the enemy, as a fortunate circumstance for the country. But because these are my sentiments at this time, after reviewing what has since passed, does it follow that we were at that time insincere in endeavoring to obtain peace? The learned gentleman indeed assumes that we were, and he even makes a concession of which I desire not to claim the benefit. He is willing to admit that, on our principles and our view of the subject, insincerity would have been justifiable.

I know, sir, no plea that would justify those who are entrusted with the conduct of public affairs in holding out to Parliament and to the nation one object while they were in fact pursuing another. I did in fact believe, at the moment, the conclusion of peace, if it could have been obtained, to be preferable to the continuance of the war under its increasing risks and difficulties. I therefore wished for peace; I sincerely labored for peace. Our endeavors were frustrated by the act of the enemy. If, then, the circumstances are since changed; if what passed at that period has afforded a proof that the object we aimed at was unattainable; and if all that has passed since has proved that, provided peace had been then made, it could not have been durable, are we bound to repeat the same experiment when every reason against it is strengthened by subsequent experience and when the inducements which led to it at that time have ceased to exist?

When we consider the resources and the spirit of the country, can any man doubt that if adequate security is not now to be obtained by treaty we have the means of prosecuting the contest with material difficulty or danger and with a reasonable prospect of completely attaining our object?

I will not dwell on the improved state of public credit; on the continually increasing amount, in spite of extraordinary temporary burdens, of our permanent revenue; on the yearly accession of wealth to an extent unprecedented even in the most flourishing times of peace, which we are deriving, in the midst of war, from our extended and flourishing commerce; on the progressive improvement and growth of our manufactures; on the proofs which we see on all sides of the uninterrupted accumulation of productive capital; and on the active exertion of every branch of national industry which can tend

to support and augment the population, the riches, and the power of the country?

As little need I recall the attention of the House to the additional means of action which we have derived from the great augmentation of our disposable military force, the continued triumphs of our powerful and victorious navy, and the events which, in the course of the last two years have raised the military ardor and military glory of the country to a height unexampled in any period of our history.

In addition to these grounds of reliance on our own strength and exertions we have seen the consummate skill and valor of the arms of our allies proved by that series of unexampled success in the course of the last campaign, and we have every reason to expect a co-operation on the Continent, even to a greater extent, in the course of the present year. If we compare this view of our own situation with everything we can observe of the state and condition of our enemy; if we can trace him laboring under equal difficulty in finding men to recruit his army or money to pay it; if we know that in the course of the last year the most rigorous efforts of military conscription were scarcely sufficient to replace to the French armies, at the end of the campaign, the numbers which they had lost in the course of it; if we have seen that that force, then in possession of advantages which it has since lost, was unable to contend with the efforts of the combined armies; if we know that, even while supported by the plunder of all the countries which they had overrun, those armies were reduced, by the confession of their commanders, to the extremity of distress, and destitute not only of the principal articles of military supply, but almost of the necessaries of life; if we see them now driven back within their own frontiers, and confined within a country whose

own resources have long since been proclaimed by their successive governments to be unequal either to paying or maintaining them; if we observe that since the last revolution no one substantial or effectual measure has been adopted to remedy the intolerable disorder of their finances and to supply the deficiency of their credit and resources; if we see, through large and populous districts of France, either open war levied against the present usurpation, or evident marks of disunion and distraction which the first occasion may call forth into a flame, if, I say, sir, this comparison be just, I feel myself authorized to conclude from it, not that we are entitled to consider ourselves certain of ultimate success, not that we are to suppose ourselves exempted from the unforeseen vicissitudes of war; but that, considering the value of the object for which we are contending, the means for supporting the contest, and the probable course of human events, we should be inexcusable if at this moment we were to relinquish the struggle on any grounds short of entire and complete security; that from perseverance in our efforts under such circumstances we have the fairest reason to expect the full attainment of our object; but that at all events, even if we are disappointed in our more sanguine hopes, we are more likely to gain than to lose by the continuation of the contest; that every month to which it is continued, even if it should not in its effects lead to the final destruction of the Jacobin system, must tend so far to weaken and exhaust it as to give us at least a greater comparative security in any termination of the war; that on all these grounds this is not the moment at which it is consistent with our interest or our duty to listen to any proposals of negotiation with the present ruler of France; but that we are not therefore pledged to any unalterable determination as to our future conduct; that in this

we must be regulated by the course of events; and that it will be the duty of his Majesty's ministers from time to time to adapt their measures to any variation of circumstances, to consider how far the effects of the military operations of the allies or of the internal disposition of France correspond with our present expectations, and, on a view of the whole, to compare the difficulties or risks which may arise in the prosecution of the contest with the prospect of ultimate success or of the degree of advantage to be derived from its further continuance, and to be governed by the result of all these considerations in the opinion and advice which they may offer to their sovereign.

WILBERFORCE

WILLIAM WILBERFORCE, English statesman and philanthropist, distinguished by his memorable opposition to the Slave trade, was born at Hull, England, Aug. 24, 1759, and died at London, July 29, 1833. He was descended from a Yorkshire family that had possessed ancestral estates in the East Riding of Yorkshire from the time of Henry II to the middle of the eighteenth century. In 1776, he entered St. John's College, Cambridge, where he devoted himself chiefly to the classics and graduated with credit. In 1780, he became a member of the House of Commons, and three years later was of great service to William Pitt in the latter's struggle against the majority of the House. About 1787 he made the acquaintance of Thomas Clarkson, and began an agitation against the iniquitous Slave trade. In April, 1792, he carried a motion for the gradual suppression of the traffic by 238 to 85 votes; but owing to the opposition of the House of Lords, the abolition of the Slave trade was not accomplished until 1807. When the Society for the Abolition of Slavery in the British Possessions was formed, in 1823, Wilberforce became a vice-president of the society. He retired from Parliament in 1825, and died a month before the Emancipation Bill was finally passed, and was honored by a burial in Westminster Abbey.

HORRORS OF THE BRITISH SLAVE TRADE IN THE EIGHTEENTH CENTURY

SPEECH DELIVERED IN PARLIAMENT, MAY 12, 1789

IN OPENING, concerning the nature of the slave trade, I need only observe that it is found by experience to be just such as every man who uses his reason would infallibly conclude it to be. For my own part, so clearly am I convinced of the mischiefs inseparable from it, that I should hardly want any further evidence than my own mind would furnish, by the most simple deductions. Facts, however, are now laid before the House. A report has been made by his Majesty's Privy Council, which,

I trust, every gentleman has read, and which ascertains the slave trade to be just such in practice as we know, from theory, it must be. What should we suppose must naturally be the consequence of our carrying on a slave trade with Africa? With a country vast in its extent, not utterly barbarous, but civilized in a very small degree? Does any one suppose a slave trade would help their civilization? Is it not plain that she must suffer from it? That civilization must be checked; that her barbarous manners must be made more barbarous; and that the happiness of her millions of inhabitants must be prejudiced with her intercourse with Britain? Does not every one see that a slave trade carried on around her coasts must carry violence and desolation to her very centre? That in a continent just emerging from barbarism, if a trade in men is established, if her men are all converted into goods, and become commodities that can be bartered, it follows they must be subject to ravage just as goods are; and this, too, at a period of civilization, when there is no protecting legislature to defend this their only sort of property, in the same manner as the rights of property are maintained by the legislature of every civilized country. We see then, in the nature of things, how easily the practices of Africa are to be accounted for. Her kings are never compelled to war, that we can hear of, by public principles, by national glory, still less by the love of their people. In Europe it is the extension of commerce, the maintenance of national honor, or some great public object, that is ever the motive to war with every monarch; but, in Africa, it is the personal avarice and sensuality of their kings; these two vices of avarice and sensuality, the most powerful and predominant in natures thus corrupt, we tempt.

we stimulate in all these African princes, and we depend upon these vices for the very maintenance of the slave trade. Does the king of Barbessin want brandy? he has only to send his troops, in the night-time, to burn and desolate a village; the captives will serve as commodities, that may be bartered with the British trader. What a striking view of the wretched state of Africa does the tragedy of Calabar furnish! Two towns, formerly hostile, had settled their differences, and by an intermarriage among their chiefs, had each pledged themselves to peace; but the trade in slaves was prejudiced by such pacifications, and it became, therefore, the policy of our traders to renew the hostilities. This, their policy, was soon put in practice, and the scene of carnage which followed was such, that it is better, perhaps, to refer gentlemen to the Privy Council's report than to agitate their minds by dwelling on it.

The slave trade, in its very nature, is the source of such kind of tragedies; nor has there been a single person, almost, before the Privy Council, who does not add something by his testimony to the mass of evidence upon this point. Some, indeed, of these gentlemen, and particularly the delegates from Liverpool, have endeavored to reason down this plain principle; some have palliated it; but there is not one, I believe, who does not more or less admit it. Some, nay most, I believe, have admitted the slave trade to be the chief cause of wars in Africa. . . .

Having now disposed of the first part of this subject, I must speak of the transit of the slaves to the West Indies. This, I confess, in my own opinion, is the most wretched part of the whole subject. So much misery condensed in so little room is more than the human imagina-

tion had ever before conceived. I will not accuse the Liverpool merchants; I will allow them, nay, I will believe them, to be men of humanity; and I will therefore believe, if it were not for the multitude of these wretched objects, if it were not for the enormous magnitude and extent of the evil which distracts their attention from individual cases, and makes them think generally, and therefore less feelingly on the subject, they never would have persisted in the trade. I verily believe, therefore, if the wretchedness of any one of the many hundred negroes stowed in each ship could be brought before their view, and remain within the sight of the African merchant, that there is no one among them whose heart would bear it. Let any one imagine to himself six or seven hundred of these wretches chained two and two, surrounded with every object that is nauseous and disgusting, diseased, and struggling under every kind of wretchedness! How can we bear to think of such a scene as this? One would think it had been determined to heap on them all the varieties of bodily pain, for the purpose of blunting the feelings of the mind; and yet, in this very point (to show the power of human prejudice), the situation of the slaves has been described by Mr. Norris, one of the Liverpool delegates, in a manner which I am sure will convince the House how interest can draw a film over the eyes, so thick that total blindness could do no more; and how it is our duty therefore to trust not to the reasonings of interested men, or to their way of coloring a transaction.

"Their apartments," says Mr. Norris, "are fitted up as much for their advantage as circumstances will admit. The right ankle of one, indeed, is connected with the left ankle of another by a small iron fetter, and if they are

turbulent, by another on their wrists. They have several meals a day; some of their own country provisions, with the best sauces of African cookery; and by the way of variety, another meal of pulse, etc., according to European taste. After breakfast they have water to wash themselves, while their apartments are perfumed with frankincense and lime juice. Before dinner they are amused after the manner of their country. The song and the dance are promoted," and, as if the whole were really a scene of pleasure and dissipation, it is added that games of chance are furnished. "The men play and sing, while the women and girls make fanciful ornaments with beads, which they are plentifully supplied with." Such is the sort of strain in which the Liverpool delegates, and particularly Mr. Norris, gave evidence before the Privy Council. What will the House think when, by the concurring testimony of other witnesses, the true history is laid open? The slaves, who are sometimes described as rejoicing at their captivity, are so wrung with misery at leaving their country, that it is the constant practice to set sail in the night, lest they should be sensible of their departure. The pulse which Mr. Norris talks of are horse beans; and the scantiness of both water and provision was suggested by the very legislature of Jamaica, in the report of their committee, to be a subject that called for the interference of Parliament.

Mr. Norris talks of frankincense and lime juice; when the surgeons tell you the slaves are stored so close that there is not room to tread among them; and when you have it in evidence from Sir George Younge, that even in a ship which wanted two hundred of her complement, the stench was intolerable. The song and the dance are

promoted, says Mr. Norris. It had been more fair, perhaps, if he had explained that word "promoted." The truth is, that for the sake of exercise, these miserable wretches, loaded with chains, oppressed with disease and wretchedness, are forced to dance by the terror of the lash, and sometimes by the actual use of it. "I," says one of the other evidences, "was employed to dance the men, while another person danced the women." Such, then, is the meaning of the word "promoted"; and it may be observed too, with respect to food, that an instrument is sometimes carried out, in order to force them to eat, which is the same sort of proof how much they enjoy themselves in that instance also. As to their singing, what shall we say when we are told that their songs are songs of lamentation upon their departure which, while they sing, are always in tears, insomuch that one captain (more humane as I should conceive him, therefore, than the rest) threatened one of the women with a flogging, because the mournfulness of her son was too painful for his feelings. In order, however, not to trust too much to any sort of description, I will call the attention of the House to one species of evidence, which is absolutely infallible. Death, at least, is a sure ground of evidence, and the proportion of deaths will not only confirm, but, if possible, will even aggravate our suspicion of their misery in the transit. It will be found, upon an average of all ships of which evidence has been given at the Privy Council, that exclusive of those who perish before they sail, not less than twelve and one-half per cent perish in the passage. Besides these, the Jamaica report tells you that not less than four and one-half per cent die on shore before the day of sale, which is only a week

or two from the time of landing. One-third more die in the seasoning, and this in a country exactly like their own, where they are healthy and happy, as some of the evidences would pretend. The diseases, however, which they contract on shipboard, the astringent washes which are to hide their wounds, and the mischievous tricks used to make them up for sale, are, as the Jamaica report says —a most precious and valuable report, which I shall often have to advert to—one principal cause of this mortality. Upon the whole, however, here is a mortality of about fifty per cent, and this among negroes who are not bought unless quite healthy at first, and unless (as the phrase is with cattle) they are sound in wind and limb. How then can the House refuse its belief to the multiplied testimonies, before the Privy Council, of the savage treatment of the negroes in the Middle Passage? Nay, indeed, what need is there of any evidence? The number of deaths speaks for itself, and makes all such inquiry superfluous. As soon as ever I had arrived thus far in my investigation of the slave trade, I confess to you, sir, so enormous, so dreadful, so irremediable did its wickedness appear, that my own mind was completely made up for the abolition. A trade founded in iniquity, and carried on as this was, must be abolished, let the policy be what it might—let the consequences be what they would, I from this time determined that I would never rest till I had effected its abolition. . . .

When we consider the vastness of the continent of Africa; when we reflect how all other countries have for some centuries past been advancing in happiness and civilization; when we think how in this same period all improvement in Africa has been defeated by her inter-

course with Britain; when we reflect that it is we ourselves that have degraded them to that wretched brutishness and barbarity which we now plead as the justification of our guilt; how the slave trade has enslaved their minds, blackened their character, and sunk them so low in the scale of animal beings that some think the apes are of a higher class, and fancy the orang-outang has given them the go by. What a mortification must we feel at having so long neglected to think of our guilt, or attempt any reparation! It seems, indeed, as if we had determined to forbear from all interference until the measure of our folly and wickedness was so full and complete; until the impolicy which eventually belongs to vice was become so plain and glaring that not an individual in the country should refuse to join in the abolition; it seems as if we had waited until the persons most interested should be tired out with the folly and nefariousness of the trade, and should unite in petitioning against it.

Let us then make such amends as we can for the mischiefs we have done to the unhappy continent; let us recollect what Europe itself was no longer ago than three or four centuries. What if I should be able to show this House that in a civilized part of Europe, in the time of our Henry VII., there were people who actually sold their own children? What if I should tell them that England itself was that country? What if I should point out to them that the very place where this inhuman traffic was carried on was the city of Bristol? Ireland at that time used to drive a considerable trade in slaves with these neighboring barbarians; but a great plague having infested the country, the Irish were struck with a panic, suspected (I am sure very properly) that the plague was

a punishment sent from heaven for the sin of the slave trade, and therefore abolished it. All I ask, therefore, of the people of Bristol is, that they would become as civilized now as Irishmen were four hundred years ago. Let us put an end at once to this inhuman traffic—let us stop this effusion of human blood. The true way to virtue is by withdrawing from temptation; let us then withdraw from these wretched Africans those temptations to fraud, violence, cruelty, and injustice, which the slave trade furnishes. Wherever the sun shines, let us go round the world with him, diffusing our beneficence; but let us not traffic, only that we may set kings against their subjects, subjects against their kings, sowing discord in every village, fear and terror in every family, setting millions of our fellow-creatures a-hunting each other for slaves, creating fairs and markets for human flesh through one whole continent of the world, and, under the name of policy, concealing from ourselves all the baseness and iniquity of such a traffic. Why may we not hope, erelong, to see Hanse towns established on the coast of Africa as they were on the Baltic? It is said the Africans are idle, but they are not too idle, at least, to catch one another; seven hundred to one thousand tons of rice are annually bought of them; by the same rule why should we not buy more? At Gambia one thousand of them are seen continually at work; why should not some more thousands be set to work in the same manner? It is the slave trade that causes their idleness and every other mischief. We are told by one witness: "They sell one another as they can"; and while they can get brandy by catching one another, no wonder they are too idle for any regular work.

I have one word more to add upon a most material

point; but it is a point so self-evident that I shall be extremely short. It will appear from everything which I have said, that it is not regulation, it is not mere palliatives, that can cure this enormous evil. Total abolition is the only possible cure for it. The Jamaica report, indeed, admits much of the evil, but recommends it to us so to regulate the trade that no persons should be kidnapped or made slaves contrary to the custom of Africa. But may they not be made slaves unjustly, and yet by no means contrary to the custom of Africa? I have shown they may; for all the customs of Africa are rendered savage and unjust through the influence of this trade; besides, how can we discriminate between the slaves justly and unjustly made? or, if we could, does any man believe that the British captains can, by any regulation in this country, be prevailed upon to refuse all such slaves as have not been fairly, honestly, and uprightly enslaved? But granting even that they should do this, yet how would the rejected slaves be recompensed? They are brought, as we are told, from three or four thousand miles off, and exchanged like cattle from one hand to another, until they reach the coast. We see then that it is the existence of the slave trade that is the spring of all this infernal traffic, and that the remedy cannot be applied without abolition. Again, as to the Middle Passage, the evil is radical there also; the merchant's profit depends upon the number that can be crowded together, and upon the shortness of their allowance. Astringents, escarotics, and all the other arts of making them up for sale, are of the very essence of the trade; these arts will be concealed both from the purchaser and the legislature; they are necessary to the owner's profit, and they will be practiced. Again, chains and arbitrary

treatment must be used in transporting them; our seamen must be taught to play the tyrant, and that depravation of manners among them (which some very judicious persons have treated of as the very worst part of the business) cannot be hindered, while the trade itself continues. As to the slave merchants, they have already told you that if two slaves to a ton are not permitted, the trade cannot continue; so that the objections are done away by themselves on this quarter; and in the West Indies, I have shown that the abolition is the only possible stimulus whereby a regard to population, and consequently to the happiness of the negroes, can be effectually excited in those islands.

I trust, therefore, I have shown that upon every ground the total abolition ought to take place. I have urged many things which are not my own leading motives for proposing it, since I have wished to show every description of gentlemen, and particularly the West India planters, who deserve every attention, that the abolition is politic upon their own principles also. Policy, however, sir, is not my principle, and I am not ashamed to say it. There is a principle above everything that is political; and when I reflect on the command which says: "Thou shalt do no murder," believing the authority to be Divine, how can I dare to set up any reasonings of my own against it? And, sir, when we think of eternity, and of the future consequences of all human conduct, what is there in this life that should make any man contradict the dictates of his conscience, the principles of justice, the laws of religion, and of God? Sir, the nature and all the circumstances of this trade are now laid open to us; we can no longer plead ignorance, we cannot evade it, it is now an object

placed before us, we cannot pass it; we may spurn it, we may kick it out of our way, but we cannot turn aside so as to avoid seeing it; for it is brought now so directly before our eyes that this House must decide, and must justify to all the world, and to their own consciences, the rectitude of the grounds and principles of their decision. A society has been established for the abolition of this trade, in which Dissenters, Quakers, Churchmen — in which the most conscientious of all persuasions have all united, and made a common cause in this great question. Let not Parliament be the only body that is insensible to the principles of national justice. Let us make reparation to Africa, so far as we can, by establishing a trade upon true commercial principles, and we shall soon find the rectitude of our conduct rewarded by the benefits of a regular and a growing commerce.

DANTON

GEORGES JACQUES DANTON, French orator, and one of the chief leaders of the Revolution, was born at Arcis-sur-Aube, Oct. 28, 1759, and died by the guillotine, April 5, 1794. His career opened as a lawyer, for which he possessed the gifts of eloquence and a sonorous voice, with the energy and figure of a Hercules, but was soon drawn into the vortex of the French Revolution. In this tragic outbreak he played the part of the "Mirabeau of the Sans Culottes," led the attack on the Tuileries and voted for the death of Louis XVI, and sanctioned the hideous massacres of September, 1792, in which, in Paris alone, 1,100 were slaughtered. He became for a time minister of justice, but resigned the post to enter the National Convention, which with practically absolute power passed a law ordaining domiciliary visits, and led to a veritable "reign of terror" and to the inciting of every passion known to humanity. In the tumult of war with Austria, he undertook various missions to the Netherlands, and urged the levy of fresh troops for the defeat within and without the country of the foes of France. He created the Revolutionary Tribunal, and after the fall of the Girondists, became a member of the Committee of Public Safety, April to September, 1793, where he sided with Robespierre against the Girondins, though he sought to save the latter from violent harm. On the fall of the Hébertists, he became obnoxious to Robespierre, who sent him with Desmoulins and others before the Revolutionary Tribunal, which consigned him to the axe, to be followed by Robespierre himself and those of his consorts who had decreed the era of the Terror. His last words to the headsman were: "Thou wilt show my head to the people; it is worth showing." A reflection of his in prison has also been recorded: "Oh, it were better to be a poor fisherman than to meddle with the governing of men."

TO DARE, TO DARE AGAIN; ALWAYS TO DARE

DELIVERED IN THE NATIONAL ASSEMBLY, SEPTEMBER 2, 1792, ON THE DEFENCE OF THE REPUBLIC

IT SEEMS a satisfaction for the ministers of a free people to announce to them that their country will be saved. All are stirred, all are enthused, all burn to enter the combat.

You know that Verdun is not yet in the power of our

enemies and that its garrison swears to immolate the first who breathes a proposition of surrender.

One portion of our people will guard our frontiers, another will dig and arm the intrenchments, the third with pikes will defend the interior of our cities. Paris will second these great efforts. The commissioners of the Commune will solemnly proclaim to the citizens the invitation to arm and march to the defence of the country. At such a moment you can proclaim that the capital deserves the esteem of all France. At such a moment this National Assembly becomes a veritable committee of war. We ask that you concur with us in directing this sublime movement of the people, by naming commissioners to second and assist all these great measures. We ask that any one refusing to give personal service or to furnish arms shall meet the punishment of death. We ask that proper instructions be given to the citizens to direct their movements. We ask that carriers be sent to all the departments to notify them of the decrees that you proclaim here. The tocsin we shall sound is not the alarm signal of danger, it orders the charge on the enemies of France. (Applause.) To conquer we have need to dare, to dare again, always to dare! And France will be saved!

(Pour les vaincre, il nous faut de l'audace; encore de l'audace, toujours de l'audace; et la France est sauvée.)

AGAINST IMPRISONMENT FOR DEBT

DELIVERED IN CONVENTION, MARCH 9, 1793

BEYOND a doubt, citizens, the hopes of your commissioners will not be deceived. Yes, your enemies, the enemies of liberty, shall be exterminated, for your efforts shall be relentless. You are worthy the dignity of regulating and controlling the nation's energy. Your commissioners, disseminated in all parts of the Republic, will repeat to Frenchmen that the great quarrel between despotism and liberty shall soon terminate. The people of France shall be avenged, it becomes us then to put the political world in harmony, to make laws in accord with such harmony. But before we too deeply entertain these grander objects, I shall ask you to make a declaration of a principle too long ignored; to abolish a baneful error, to destroy the tyranny of wealth upon misery.

If the measures I propose be adopted, then Pitt, the Breteuil of English diplomacy, and Burke, the Abbé Maury of the British Parliament, who are impelling the English people to-day against liberty, may be touched.

What do you ask? You would have every Frenchman armed in the common defence. And yet there is a class of men sullied by no crime, who have stout arms, but no liberty. They are the unfortunates detained for debt. It is a shame for humanity, it is against all philosophy, that a man in receiving money can pawn his person as security. I can readily prove that this principle is favorable to cupidity, since experience proves that the lender takes

no pecuniary security, since he has the disposition of the body of his debtor. But of what importance are these mercantile considerations? They should not influence a great nation. Principles are eternal, and no Frenchman can be rightly deprived of his liberty unless he has forfeited it to society. The possessing and owning class need not be alarmed. Doubtless, some individuals go to extremes, but the nation, always just, will respect all the proprieties. Respect misery, and misery will respect opulence. (Applause.) Never wrong the unfortunate, and the unfortunate, who have more soul than the rich, will remain guiltless. (Loud applause.)

I ask that this National Convention declare that every French citizen imprisoned for debt shall be liberated, because such imprisonment is contrary to moral health, contrary to the rights of man, and to the true principles of liberty.

EDUCATION, FREE AND COMPULSORY

FROM A SPEECH DELIVERED IN THE CONVENTION, AUGUST 13, 1793

CITIZENS—After having given liberty to France, after having vanquished her enemies, there can be no honor greater than to prepare for future generations an education in keeping with that liberty. This is the object which Lepeletier proposes: that all that is good for society shall be adopted by those who live under its social contract. . . . It has been said that paternal affection opposes the execution of such plans. Certainly we must respect natural rights even in their perversion. But even if we do not fully sustain

compulsory schooling, we must not deprive the children of the poor of an education.

The greatest objection has been that of finding the means; but I have already said there is no real extravagance where the good result to the public is so great, and I add the principle that the child of the poor can be taught at the expense of the superfluities of the scandalous fortunes erected among us. It is to you who are celebrated among our Republicans that I appeal; bring to this subject the fire of your imagination, the energy of your character. It is the people who must endow national education.

When you commence to sow this seed of education in the vast field of the Republic, you must not count the expense of reaping the harvest. After bread, education is the first need of a people. (Applause.) I ask that the question be submitted, that there be founded, at the expense of the nation, establishments where each citizen can have the right to send his children for free public instruction. It is to the monks—it is to the age of Louis XIV., when men were great by their acquirements, that we owe the age of philosophy, that is to say, of reason, brought to the knowledge of the people. To the Jesuits, lost by the political ambitions, we owe an impetus in education evoking our admiration. But the Republic has been in the souls of our people, twenty years ahead of its proclamation. Corneille wrote dedications to Montauron, but Corneille made the "Cid," "Cinna"; Corneille spoke like a Roman, and he who said: "For being more than a king you think you are something," was a true Republican.

Now for public instruction; everything shrinks in domestic teaching, everything enlarges and ennobles in public communal instruction. A mistake is made in presenting a

tableau of paternal affections. I, too, am a father, and more so than the aristocrats who oppose public education, for they are never sure of their paternities. (Laughter.) When I consider my rights relatively to the general good I feel elevated; my son is not mine. He belongs to the Republic. Let her dictate his duties that he can best serve her. It has been said it is repugnant to the heart of our peasantry to make such sacrifice of their children. Well, do not constrain them too much. Let there be classes, if necessary, that only meet on the Sabbath. Begin the system by a gradual adaptation to the manners of the people. If you expect the State to make an instant and absolute regeneration, you will never get public instruction. It is necessary that each man develop the moral means and methods he received from nature. Have for them all communal houses and faculties for instruction, and do not stop at any secondary considerations. The rich man will pay, and will lose nothing if he will profit for the instruction of his son.

I ask, then, that under suitable and necessary modifications you decree the erection of national establishments where children can be instructed, fed, and lodged gratuitously, and the citizens who desire to retain their children at home can send them there for instruction.

Convention, December 12, 1793.—It is a proper time to establish the principle which seems understood, that the youth belong to the Republic before they belong to their parents. No one more than myself respects nature, but of what avail the reasoning of the individual against the reason of the nation? In the national schools the child will suck the milk of Republicanism. The Republic is one and indivisible. Public instruction produces such a

centre of unity. To none, then, can we accord the privilege of isolation from such benefits.

FREEDOM OF WORSHIP

DELIVERED IN THE CONVENTION, APRIL 18, 1793

WE HAVE appeared divided in counsel, but the instant we seek the good of mankind we are in accord. Vergniaud has told us grand and immortal truths. The Constitutional Assembly, embarrassed by a king, by the prejudices which still enchain the nation, and by deep-rooted intolerance, has not uprooted accepted principles, but has done much for liberty in consecrating the doctrine of tolerance. To-day the ground of liberty is prepared and we owe to the French people a government founded on bases pure and eternal! Yes! we shall say to them: Frenchmen you have the right to adore the divinity you deem entitled to your worship: "The liberty of worship, which it is the object of law to establish, means only the right of individuals to assemble to render in their way homage to the Deity." Such a form of liberty is enforcible only by legal regulations and the police, but you do not wish to insert regulating laws in your declaration of rights. The right of freedom of worship, a sacred right, will be protected by laws in harmony with its principles. We will have only to guarantee these rights. Human reason cannot retrograde; we have advanced too far for the people ever to believe they are not absolutely free in religious thought, merely because you have failed to engrave the principle of

this liberty on the table of your laws. If superstition still seem to inhere in the movements of the Republic, it is because our political enemies always employ it. But look! everywhere the people, freed from malevolent espionage, recognize that any one assuming to interpose between them and their God is an impostor.

"SQUEEZING THE SPONGE"

ON TAXING THE RICH—DELIVERED IN THE CONVENTION, APRIL 27, 1793

YOU have decreed "honorable mention" of what has been done for the public benefit by the Department De L'Hevault. In this decree you authorize the whole Republic to adopt the same measures, for your decree ratifies all the acts which have just been brought to your knowledge.

If everywhere the same measures be taken, the Republic is saved. No more shall we treat as agitators and anarchists the ardent friends of liberty who set the nation in motion, but we shall say: "Honor to the agitators who turn the vigor of the people against its enemies!" When the Temple of Liberty shall be reared, the people will know how to decorate it. Rather perish France than to return to our hard slavery. Let it not be believed we shall become barbarians after we shall have founded liberty. We shall embellish France until the despots shall envy us; but while the ship of state is in the stress of storm, beaten by the tempest, that which belongs to each belongs to all.

No longer are Agrarian Laws spoken of! The people

are wiser than their calumniators assumed, and the people in mass have much more sense than many of those who deem themselves great men. In a people we can no more count the great men than we can count the giant trees in the vast forest. It was believed that the people wanted the Agrarian Law, and this may throw suspicion on the measures adopted by the Department De L'Hevault. It will be said of them: "They taxed the rich"; but, citizens, to tax the rich is to serve them. It is rather a veritable advantage for them than any considerable sacrifice; and the greater the sacrifice, the greater the usufruct, for the greater is the guarantee to the foundation of property against the invasion of its enemies. It is an appeal to every man, according to his means, to save the Republic. The appeal is just. What the Department De L'Hevault has done, Paris and all France will do. See what resources France will procure. Paris has a luxury and wealth which is considerable. Well, by decree, this sponge will be squeezed! And with singular satisfaction it will be found that the people will conduct their revolution at the expense of their internal enemies. These enemies themselves will learn the price of liberty and will desire to possess it, when they will recognize that it has preserved for them their possessions.

Paris in making an appeal to capitalists will furnish her contingent, which will afford means to suppress the troubles in La Vendée; for, at any sacrifice, these troubles must be suppressed. On this alone depends your external tranquillity. Already, the departments of the north have informed the combined despots that your territory cannot be divided; and soon you will probably learn of the dissolution of this formidable league of kings. For in unit-

ing against you, they have not forgotten their ancient hatreds and respective pretensions; and if the Executive Council had had a little more latitude, the league might be already completely dissolved.

Paris, then, must be directed against La Vendée. All the men needed in this city to form a reserve camp should be sent at once to La Vendée. These measures once taken, the rebels will disperse, and, like the Austrians, will commence to kill each other. If the flames of this civil discord be extinguished, they will ask of us peace!

ON THE ASSASSINATION OF LEPELETIER DE SAINT-FARGEAU

DELIVERED JANUARY 21, 1793

AT this most terrible moment I notice with satisfaction that the people, whose excesses seem to be feared, has respected the liberty of its representatives who have been most eager in betraying its interests. Where should we be, if one of those who did not wish to vote for the death of the tyrant had perished by the knife of an insane patriot? Surely, calumny, prepared for so long, would make great ravages against us. But, citizens, let us be generous; the life of Lepeletier was beautiful; his death will yet serve the republic. Generous citizen, I envy you your death; it will prove to France that there was no danger among us except for those who burned with the holy love of liberty.

A place in the Pantheon has been asked for him; surely he has already gathered the immortal palm of the martyr of liberty. Yes, I vote too for the Pantheon; yes, I vote for it also. On his tomb we shall swear to serve liberty, not to

leave our post until we have given a constitution to the people, or to die by the dagger of assassins.

It will be sweet for me to prove to you, by explaining in this assembly that I am a stranger to all passions, that I know how to unite to impetuosity of character the stolidity which belongs to a man chosen by the people to make its laws. I have the honor of forming a part of those citizens [pointing to the Mountain] who have been continually presented as enemies of every kind of government. But I implore them not to become exasperated for not having been recognized as the true friends of liberty. Pétion, in my opinion, was wrong; Pétion was weak; I have always believed him so; he can explain himself on my account as he thinks proper. But I confess I am painfully affected to see that all France will no longer know in whom to place any confidence.

I reproach Pétion for not having explained himself clearly enough in regard to those who had served the commonwealth more energetically perhaps than he. Perhaps Pétion could have told you more clearly that those deplorable scenes, those horrible massacres which have been indulged in to such an extent to incense the departments against Paris,— perhaps he ought to have told you clearly that no human power could have stopped the effect of that revolutionary thirst, of that rage which took entire possession of a great people; perhaps some of the members of the extraordinary commission acquainted with these deplorable events could have reminded you also that these terrible acts about which we all groan were the effect of a revolution; and if some individuals can be reproached for having practised acts of vengeance, it was never the immediate action of a few persons, but rather a people who had never had justice for the greatest criminals.

If we had explained ourselves frankly about these frightful events, we should have doubtless have been spared respectively many calumnies, and the republic perhaps many evils.

So I call on you, citizens, you who have seen me in the ministry, to tell me if I have not brought union everywhere. I entreat you, you Pétion, you Brissot, I entreat you all, for I wish to make myself known; I entreat you all because in short I wish to be known. I have had the courage to keep silent for three months, but since I wish to speak about other individuals I must make myself thoroughly known. Well! I submit myself to your judgment. Have I not shown deference to the old man who is now minister of the interior?[1] Have I not told you, do you not agree with me concerning the unfortunate bitterness of his character, at a time when, in the bosom of the republic, it was desirable, it was indispensable, that he who performed in a way the function of consul should be of a character to conciliate minds, should be of a character to try to dispel hatreds at a moment when it was inevitable that so great a commotion would involve great contests? You agreed with me. Well! I reproach you for not having explained this. Roland, whose intentions I do not calumniate, but whose character I am trying to make known: Roland considers as rascals and enemies of the country all who do not caress his thoughts and his opinions. I entreat you, you, my dear fellow citizens, you Lanthenas, whose relations with Roland ought to cause an investigation into this testimony, notice this sentence! Citizens, it is not with calumny that I ask to have this post vacated; it is in accordance with his commensals.

For the welfare of the republic, I ask that Roland shall no longer be minister. Weigh my impartiality well. I

[1] Roland.

appeal to you, citizens, concerning it. I have replied to no calumny. I see that Roland was abused on my account. I desire the safety of the republic, and I know not vengeance, because I have no need of it. I say then that you cannot suspect my declaration when I call upon those even who cherish Roland the most.

Having been exposed to proceedings, fearing that a warrant would be served against him, from that moment Roland saw Paris only in the darkness: he confounded everything then, because he believed he had everything to fear; he thought in his mistake that the great tree of liberty, whose roots hold all the soil of the republic, could be overturned. Then burst forth his resentment against the city of Paris, and it will exist as well as the republic: because Paris is the city of all the departments; Paris is the city of all their lights; all the departments being then there; and this is Roland's great error, the great mistake he made, this is his great fault: it is having conspired, through his hatred, to arouse the departments against Paris. I will remind him of what he accused me. When he spoke to me about the departmental guard, I said to him: "This measure is contrary to all principles, but it will pass; because it is a decided row. Well! This guard will no sooner have taken up its abode in Paris than it will have the mind of the people: because the people have no other passion but for liberty."

Well! citizens, have you the proof now that the federates of the departments have other sentiments than the citizens of Paris; not one of you doubts it now; yes, you do not doubt it yourselves. How many citizens agree that they have been led in error! This error, I say it with regret, comes from Roland's acrimony; you can obtain the proof of it through one of your committees. Roland has circulated writings,

founded at first on the error into which his mind had fallen, that is to say that Paris wished to rule. After that, I will not give my conclusion; but in fixing your attention on all that I have just said, I believe that you will have reached the source of the evil, and, this source being exhausted, you will be able to occupy yourselves efficiently with the welfare of the country.

You have had special measures pointed out to you, that is domiciliary visits. I am wholly opposed to this measure; that is to say, I do not believe, at a time when the French nation is opposed to the application of a bill aimed against the French citizens by the Parliament of England, she ought herself to set the example of a measure against which she rises and which she condemns. I say that there is a way to reach the same end, and this is my idea about it: You should have a committee of supervision, of general safety, worthy of your absolute confidence; it should be fortunate enough to have nothing to fear from its operations. Well! renew it, if you deem it necessary, in order that you may give it a wide latitude, and that, when two thirds of its members believe they hold the thread of a plot, they may have the right to open the doors of any house where they may think a conspirator is concealed. This is the only way to carry out your object without destroying principles.

I will pass on to matters of a superior order. It is not enough to have caused the tyrant's head to fall; there is not a citizen on whom our eyes have rested who does not call all our energy, all our agitation towards war. Let us make war with Europe, and not with ourselves. Grasp my thought: war should be carried on by a people like the French nation in a manner worthy of her. In order to economize the blood of men their sweat is needed. Prodigality is needed. Such

a war carried on parsimoniously would have terminated a great quarrel if waged lavishly.

You will have a report from your commissioners sent to Belgium, from it you will gather the conviction that your armies have done wonders, although in a state of deplorable destitution. Fear nothing in the world: we have seen the French soldiers; there is not one of them who does not believe he is worth more than two hundred slaves. Such is the energy, such is the republicanism of the army that if it should be said to three hundred, You must perish or march against Vienna; they would say, We go to death or Vienna.

With such a people nothing is needed but wise legislators who know how to hold the reins of this sublime nation. Reflect that it is greater than you; reflect that there is no longer a man of genius in a great people; that the true genius is in its entirety in this same people. Well! see to it that you raise the people to the height they ought to attain. Reorganize your armies, for consider that before making a constitution you must have the means of beating your enemy; for people already constitute a nation when they are already conquerors such as we have been in our last campaign.

I will remind you of another subject—that there is another ministry occupied by another good citizen,—it is the ministry of war. But this ministry exceeds human strength, and, if I should explain myself openly, I should say that this citizen, to whom I render justice, has not the push, the quick-sightedness necessary to a man charged with so great operations and so great responsibility. I do not ask to have him robbed of his functions, but I call your attention to the fact that they ought to be divided, in order not to crush the one in charge of them. When you are familiar with the report that we are going to make for you, you will feel that you need the

same movement in the army; that just as only one general is needed to move that great body, so perhaps only one man is needed to conduct the administration which is to furnish means of subsistence to that great mass.

Citizens, prepare your thoughts on these great subjects; they will come up before you incessantly; pay strict attention, above all, to what I have said to you about the minister of the interior; remember and do not lose sight of what I have represented to you, that if my duty did not compel me to report what I have seen, wha the citizens I have quoted have seen, I should be silent, for I am not made to be suspected of resentment. I shall never have but one passion; that is to die for my country. May heaven grant me the fate of the citizen whose loss we deplore!

[Specially translated by Helen B. Dole.]

ON THE ABOLITION OF SLAVERY

16 PLUVIOSE, YEAR II=FEBRUARY 4, 1794

REPRESENTATIVES of the French people, heretofore we have decreed liberty only as egotists and for ourselves. But to-day we proclaim it in the face of the universe, and future generations will find their glory in this decree. We proclaimed universal liberty yesterday, when the President gave the fraternal kiss to the colored deputies. I saw the moment when the Convention ought to decree liberty to our brothers. The meeting was not large enough. The Convention has just done its duty. But after having granted the benefit of liberty, we must be, so to speak, the moderators of it. Let us send to the Committee of Public

Safety and the Colonies, to combine the means of rendering this decree useful to humanity, without any danger to it.

We dishonored our glory by mutilating our works. The great principles developed by the virtuous Las Casas were misunderstood. We are working for future generations; let us send forth liberty into the colonies; to-day the English are dead. By casting liberty into the New World it will bring forth abundant fruit there; it will grow deep roots. Pitt and his accomplices will try in vain by political considerations to prevent the enjoyment of this benefit; they will be brought to nought. France will again assume the rank and influence which her energy, her soil, and her population assure her. We shall take pleasure in our generosity, but we shall not extend it beyond the limits of wisdom. We shall cut down tyrants as we have crushed faithless men who wished to keep back the Revolution. Let us not lose our energy let us launch our frigates, let us be sure of the benedictions of the universe and of posterity, and let us decree the sending back of measures for the examination of the committee.

[Specially translated by Helen B. Dole.]

DESMOULINS

UCIE SIMPLICE CAMILLE BENOIST DESMOULINS, French revolutionist, journalist, and pamphleteer, was born at Guise, Aisne, France, March 2, 1760, and was guillotined at Paris, April 5, 1794. After an education at the College of Louis le Grande, he studied law, but being seized with the revolutionary fever of the time, and partly because of a stutter in his speech, he never practiced his profession. Prior to 1789, he was wont somewhat guardedly to advocate the establishment of a republic for France after the ancient and classical type. Subsequently, on the dismissal of Necker from the office of Director-General of the Finances, Desmoulins urged the organization of the militia of Paris, and by his fiery harangues was instrumental in inciting the militia and mob of the capital to destroy the Bastille (July 14, 1789). Being at first in sympathy with the Girondists rather than with the Jacobins, his early idol was Mirabeau, but when that ruling spirit of the era died (April, 1791), Desmoulins attached himself to Danton and became with the latter and Marat a leading member of the Cordeliers Club, a secession from the Jacobin organization. Later on, he became a member of the National Convention, which was constituted in May, 1792, and there voted for the death of Louis XVI. Associated for a time with Robespierre, he however kept aloof from the excesses of the Reign of Terror let loose upon Paris by that malignant despot and his immediate associates, and attacked them scathingly and those of the relentless Committee of Public Safety. For this he was arrested at the end of March, 1794, and with Danton was guillotined a few days afterward (April 5), his young wife following him to the block a fortnight later. In his journal, "Le Vieux Cordelier," his clement spirit incited him to denounce with much ability and vigor the bloodthirstiness and wild tumult of the era. He also edited the "Revolutions de France et de Brabant." Appended is an example of his oratory.

LIVE FREE OR DIE

FEBRUARY, 1788

ONE difference between the monarchy and the republic, which alone should suffice to make the people reject with horror all monarchical rule and make them prefer the republic regardless of the cost of its establishment, is that in a democracy, though the people may

be deceived, yet, at least, they love virtue. It is merit that they believe they put in power in place of the rascals who are the very essence of monarchies. The vices, the concealments, and the crimes which are the diseases of republics are the very health and existence of monarchies. Cardinal Richelieu avowed openly in his political principles, that "the king should always avoid using the talents of thoroughly honest men." Long before him Sallust said: "Kings cannot get along without rascals. On the contrary, they should fear to trust the honest and the upright."

It is, therefore, only under a democracy that the good citizen can reasonably hope to see a cessation of the triumphs of intrigue and crime; and to this end the people need only to be enlightened.

There is yet this difference between a monarchy and the republic; the reigns of Tiberius, of Claudius, of Nero, of Caligula, of Domitian, had happy beginnings. In fact, all reigns make a joyous entry, but only as a delusion. Therefore the Royalists laugh at the present state of France as if its violent and terrible entry under the republic must always last.

Everything gives umbrage to a tyrant. If a citizen have popularity, he is becoming a rival to the prince. Consequently, he is stirring up civil strife, and is a suspect. If, on the contrary, he flee popularity and seclude himself in the corner of his own fireside, this retired life makes him remarked, and he is a suspect. If he is a rich man, there is an imminent peril that he corrupt the people with his largessess, and he is a suspect. Are you poor? How then! Invincible emperors, this man must be closely watched; no one so enterprising as he who has nothing. He is a suspect! Are you in character sombre, melancholy, or neglectful?

You are afflicted by the condition of public affairs, and are a suspect.

If, on the contrary, the citizen enjoy himself and have resultant indigestion, he is only seeking diversion because his ruler has had an attack of gout, which made his Majesty realize his age. Therefore he is a suspect. Is he virtuous and austere in his habits? Ah! he is a new Brutus with his Jacobin severity, censuring the amiable and well-groomed court. He is a suspect. If he be a philosopher, an orator, or a poet, it will serve him ill to be of greater renown than those who govern, for can it be permitted to pay more attention to the author living on a fourth floor than to the emperor in his gilded palace? He is a suspect.

Has one made a reputation as a warrior—he is but the more dangerous by reason of his talent. There are many resources with an inefficient general. If he is a traitor he cannot so quickly deliver his army to the enemy. But an officer of merit like an Agricola—if he be disloyal, not one can be saved. Therefore, all such had better be removed and promptly placed at a distance from the army. Yes, he is a suspect.

Tacitus tells us that there was anciently in Rome a law specifying the crimes of "lèse-majesté." That crime carried with it the punishment of death. Under the Roman republic treasons were reduced to but four kinds, viz., abandoning an army in the country of an enemy; exciting sedition; the maladministration of the public treasury; and the impairment by inefficiency of the majesty of the Roman people. But the Roman emperors needed more clauses, that they could place cities and citizens under proscription.

Augustus was the first to extend the list of offences that were "lèse-majesté" or revolutionary, and under his suc-

cessors the extensions were made until none was exempt. The slightest action was a state offence. A simple look, sadness, compassion, a sigh, even silence was "lèse-majesté" and disloyalty to the monarch. One must needs show joy at the execution of their parent or friend lest they would perish themselves. Citizens, liberty must be a great benefit, since Cato disembowelled himself rather than have a king. And what king can we compare in greatness and heroism to the Cæsar whose rule Cato would not endure? Rousseau truly says: "There is in liberty as in innocence and virtue a satisfaction one only feels in their enjoyment and a pleasure which can cease only when they are lost."

THE APPEAL TO THE PEOPLE

SPEECH DELIVERED DURING THE TRIAL OF LOUIS XVI

SHALL France become a republic, or shall she seek in a monarchy repose from her weariness of the never-ceasing treacheries of her representatives? Shall we become a part of the Prussian or Austrian monarchies, or shall France be divided into federated republics? Shall Paris, as the price of her civism and sacrifices, wade in blood? Will you decree her complete destruction, the depopulation of eighty-four provinces, and perhaps fifty years of civil war? What do I say! Will it be you yourselves who affirm that you merit the scaffold? Such is the extraordinary argument that, I maintain, has come to be the order of the day! Such are the days of peace, of order, of happiness that you propose to give to the worn-out nation, such the judgment you demand against your very selves!

I hear ceaseless talk of our appearance in the eyes of Europe

and of posterity; in all honesty let us understand ourselves! If it be true that the gaze of Europe and of future generations is to rest upon us, how can it refrain from being, I do not say on the part of Europe (for in her present state of degradation she has no right to despise any one), but on the part of posterity, with the utmost contempt?

What! We call ourselves the National Convention of France, that is to say, the revolutionary representation, and, until the veto of the Sovereign All-powerful, of twenty-four millions of men. There presides over us the image of the first Brutus, and searching among the ruins of antiquity we gather up the lightest words of his followers, the name alone being sufficient to cause the enthusiastic adoption of the most unjust motions.

Differing from each other in opinions, all are united in vieing with each other for the name of Brutus, and yet here are four months that seven hundred and forty of us, each a would-be Brutus, deliberate gravely whether a tyrant be not inviolable.

The Brutus of Nancy, Salle, debates; listen, citizens, these are his words: "Whether it be not to tarnish his memory with an iniquitous regicide;" and the Brutus of Perpignan, Biroteau, not being able to imagine even why the Republicans demand the death of Louis because he is a king, elegantly characterizes the opinions of his ancestors as the croakings of frogs in a marsh.

These interminable discussions between our Brutus-like and Cassius-like members, the voice of whose conscience will not permit the putting to death of a perjured king who has been both a Cæsar and a Catiline combined, will have at least the good effect of allowing the so-called tyrants of debate to obtain a hearing.

What a strange part, during the rule of tyranny, of the triumvirate, of the dictatorship, has been mine in an assembly where, for four months, it has not once been possible for me to express my opinions without being called to order by the Convention.

I am permitted then once to mount the tribune, and to rise to the height of Lanjuinais and of Bizot, whose sole fault in the eyes of the insignificant Edmé consists in being too learned. I come in my turn, and I have no mind to let escape this unique occasion for showing you what I think of our political situation, so closely allied to this discussion that I shall not be obliged to depart from the order of the day.

I am far from being discouraged! Read the annals of all nations and you see how a few good men have sufficed to counterbalance the power, the intrigues, and the multitude of the evil-minded.

See the republic in Holland, so long hanging on the verge of ruin, sustained by a Barneveldt, the two Carneilles, and Jean de Witt; by Pym, Hampden, and John Hollis in England; by Cato and Cicero in Rome! See Cato alone bravely battling against the genius and victories of Cæsar solely by his probity and patriotism! Call to mind how in all times there has been this woeful dearth of patriots, unwavering and of noble character!

Behold the conspirators against Cæsar, on the morrow of the most glorious of tyrannicides obliged to seek shelter in flight from the fury of the populace! Look backward upon the last century in Europe; call to mind that it is not long since a man who had done nothing save travel all his life said that he would gladly have remained in some one city, had he found a single place where power and influence were in the hands of worthy men! Look again at the English

Parliament,—and not only at the crowds of pensioners of the Georges, but at the party of the Opposition,—that is but a comedy and a sham of Publicola to banish from the English people all idea of nominating champions for themselves by making them believe that defenders were already to be found in the House of Commons, and then say what hopes should the country and generation not cherish, when it counts in this assembly, not only one or two, but more than a hundred members, determined, as Robespierre has said, to defend the cause of liberty as did Hampden and Sidney, and to bring their own heads to the scaffold rather than betray her.

Nevertheless I must admit that I have never less desired the Republic than since we have the Republic. What is it in short that constitutes a republic? Montesquieu has told you that it is the equality of rights; and the Constituent Assembly that had proclaimed this equality had said, "The law, which, whether it protect or whether it punish, is equal for all," had made of France a republic, whatever name it had given to the constitution, for it is not the name that the notary gives to the document, but the substance of it, that determines its character. It was then correct to say that we became a republic in 1789, as it now appears true that we have once again become a monarchy in 1793, since while all of us have agreed that Louis was a traitor and condemned him to death you reserve to him the appeal to the people. Tell me no more that you are republicans, that you have in your hearts the hatred of royalty!

You, republicans! You do not believe it even yourselves! You well know that in the sight of republicans all men are equal! I deceive myself; you well know that there is but a single man that the true republican is unable to regard as a man in whom he is not able to see, like Cato and like Homer,

only an anthropophagous biped, and that this hostile animal is a king! We do not ask that, like Cato, you degrade Louis Capet below the human race and that you rank him with wild beasts, but that at least you do not make of him a privileged being and one by nature superior. Do not talk to me of "reasons of state," for since you have made of France a republic, and after you have condemned Louis Capet to death for his crimes, to bring into use for him the privilege of appeal that is denied to other malefactors is to lay violent hands on the doctrine of equality, is to overthrow the Republic and your work. Certainly the first "reason of state" is for us to maintain the Republic.

If, instead of feeling within the depths of our hearts that hatred which every republican has for a tyrant, you devise for him a privilege; if you can look upon the throne as an enchanted scaffold from which this brigand sees the miserable beings whom he plunders and assassinates prostrate themselves trembling at his feet, it is the base blood of slaves and not that of Brutus that runs in your veins, and I thrust you back among these aristocrats, these despicable Feuillants who on the 24th of September, having risen royalists, have retired to rest republicans.

You seek in vain to palliate this royalism by an alternative that has been widely proclaimed — either the nation desires the death of Louis or it does not desire it; in the first case the judgment will be confirmed, in the second the sovereign has the right to veto it.

At the first glance this alternative is its own answer to those who have brought it forward. Either they believe that the nation wishes the death of the tyrant and therefore appeal is useless; or they are in doubt if it wishes it; that is to say, whether all the citizens desire that justice shall be the same

for every one; it is to say whether the French people are republicans; but if they doubt whether the nation be republican, why do they, who pretend so great respect for the will of the sovereign people, why, I say, do they not fear to offend it in decreeing the republic? Why did they not at that time bring forward this alternative? Either the people desire the republic or they do not desire it!

Why, when it is a question of prosecuting this scoundrel, convicted of a thousand crimes, as they themselves avow, why this appeal of the Convention to the nation which has not demanded it, although it is a question of changing its government and uprooting a monarchy that has endured for fifteen centuries. Why? Here it is, and it is of the utmost importance that it should be known.

It is because on the 21st of September, 1792, the aristocrats were still held in check by fear—of all masters the one whose lessons are soonest forgotten—that to-day royalism everywhere begins to rear its insolent head; it is in one word that on the 21st of September the plot for civil war and federalism had not been matured.

Who cannot see between the two alternatives of the dilemma yet a third, which is inevitable and leads directly to civil war! The greatest absurdity of this alternative lies in the impossible supposition that the entire nation is united in its desire either for or against the death of the tyrant, and in not recognizing, what is incontrovertible, that while one portion of the nation will it, another portion does not. Rabaud, who finds the reasoning of Salle irrefutable, has not seen that the dilemma lacked this third fact without which it could not be sustained. It is impossible to dispute the possibility of this alternative that one section of a province will vote white while another will vote black — and from that

time behold us embarked upon a sea which has neither bottom nor shores.

For I can readily distinguish a minority in a tribunal, in a nation, in a convention, in a commission, in any assembly of delegates whatever, but in the chaos occasioned by the decay and dissolution of an ancient government, and when a people desires a new constitution, it is the greatest, the most difficult question of public rights to determine either majority or minority in the early and elementary assemblies.

All the speakers on the same side who have preceded me have not failed to point out the bad faith of these appellants who, glossing over, by a pretended respect for their sovereign, an edict for civil war, display themselves so shamelessly that in the same decree they do not scruple to circumscribe the people in the subjects of their deliberations, and to enclose the nation within the circle of Popilius.

How they are to be pitied, these delegates whose constituents impose upon them this order; how the primary assemblies will respond to Vergniaud, Gensonne, Buzot, and Brissot? "Who are you to-day? Do you not know that the power of representatives ceases from the moment that the represented appear, and that fiction disappears before reality?" This maxim of Jean Jacques Rousseau is so trite and so incontrovertible that even in the palmiest days of the reign of the aristocracy, that is to say in the time of the Roman senate, all the power of the conscript fathers was not able to conceal the fact that it was not possible to convene the Senate on the day of the comitia, the people not being able to recognize any other power or any other will co-existent with its own from the moment when it should rise and extend over the whole empire its sovereign hand.

Already, despite your decree that condemns to death who-

ever shall propose the re-establishment of a monarchy, are we not deluged with writings in which it is maintained that the republic is only provisional? Do you doubt that in your primary assemblies, at least in some of them, evil-minded men are not found to plead the cause of the kingdom along with that of the king? On the frontiers, where you had at least a hundred thousand, yes, two hundred thousand patriots who perished, are aristocrats who, no longer having hope from the enemy from without, hope everything from the enemy that is within, and return to their own provinces; or political exiles who return from all directions, until Paris is completely filled, and who, despoiled of everything, battle desperately for the restoration of the monarchy and their own fortunes. And take heed, citizens, in case this appeal to the people is made, that the people do not claim it again! It is the time when the tyrants of Europe behold their own danger, if they do not ruin us, seeing that, as Lord Longborough said recently in the House of Lords, "Your enactment of the 15th of November is hostile to all governments, and gives to all rebels daggers upon the blades of which is written, 'There shall be no kings.'"

Meantime I tremble when I reflect upon the extreme necessity on the part of tyrants to overthrow the republic, recalling the corruption of our manners, of our egotism. I seem to see these tyrants, with their evil minions, prowling about our maritime cities to gain influence among the Jacobins in our army, within our walls, and above all in the Convention, everywhere to purchase at any price whoever is not incorruptible, addressing themselves by turns to the love of royalty, to cupidity, to fear, to fanaticism, to self-love, to jealousy, to hatred, to patriotism itself, which they mislead, and unite all their interests, all their fury, against our country. How

much do you require, you, to prevent the condemnation to the scaffold and the execution, in effigy, of all kings in one, while you wait to pledge yourselves to the monarchy? And you, to betray the city before a million eyes, in the sight of which it will ever be impossible for you to frame a constitution for the aristocracy? And you, how much do you demand to ruin this city, the terror of intriguers? And you, to disaffect and disunite this coalition of Jacobin societies, the terror of kings? And you, popular agitators, sellers of patriotism, how much do you ask? And you, pusillanimous judges, who have in your view the tragic end of Charles I, how much do you require to cure your fear, to release you from responsibility by an appeal to the people, and in any case to procure for you a retreat in London, by aiding Pitt to obtain this appeal? And you, hypocrites of a disappointing and disorganizing philosophy, how much do you ask to gain over to your interests the hypocrites of religion? And, you, finally, whose complicity with the tyrant cannot fail to be discovered sooner or later, in fact has already become known, despite the precautions of Roland, what is the amount of your bribe?

Take heed, therefore, citizens, how our common enemies hasten to convoke these primary assemblies, and, in short, how favorable is the moment for them. It is when, by force of tactics obliging us by continual attacks to think of our own defence, by giving us no place on committees, by not allowing us to approach the tribune, that the impossibility of doing anything for the Republic has been forced upon us; it is when, for four months, the national convention, the hope of the universe, and which should be the theatre of its enfranchisement, has been seldom other than an arena for gladiators and a court-room where Master Scévola, holding thirty audiences until six o'clock at night to plead the inviolability of the

tyrant, has covered us with ridicule in the eyes of posterity. It is when, during four months, the real triumvirs who negotiated with the king have, with a perversity unparalleled, devoted themselves to the calumniation of the most worthy citizens, and to the banishment from the tribune of all those respected on account of their good sense and unwavering patriotism, who have made themselves masters of all our deliberations and have drawn the assembly into the most impolitic measures.

We at least cannot be accused; and if the Convention has done nothing for the Republic we are absolved, since we have been made a powerless minority. Thanks, then, be rendered to Vergniaud and to those who, calling themselves the majority, have shielded us from public indignation, and have so nobly taken the pains to justify us, by this single word, before the primary assemblies, before Europe, and before posterity. Here is my draft for the proposed decree:

"The National Convention declares that Louis Capet merits death. It hereby decrees that, accordingly, a scaffold shall be erected in the Place Carrousel, whither Louis shall be conveyed, bearing a placard with these words in front, 'Perjured and a traitor to the nation,' and behind, 'King,' to show to all peoples that to it may not be ascribed the dishonor of the crime of continuing a monarchy which has endured even fifteen hundred years.

"Decrees further, that the vault of kings at St. Denis shall be henceforth the burial-place of thieves, assassins, and of traitors.

"Orders the Minister of Justice and the Commandant of the National Guard to render account to it within twenty-four hours of the execution of the foregoing decree."

[Special translation by Mary E. Adams.]

ALBERT GALLATIN

ALBERT GALLATIN, an American statesman and financier, and for twelve years (1801–13) Secretary of the Treasury, was born at Geneva, Switzerland, Jan. 29, 1761, and died at Astoria, N. Y., Aug. 12, 1849. He was educated at the University of Geneva, but came to America in 1780, and served as a volunteer in the Continental Army. In 1783, he became for a year professor of French at Harvard University, and in the following year settled in Pennsylvania, and was elected to Congress from that State. Owing to the fact, however, of his having been so few years a resident of the New World he was not allowed to take his seat until 1795. He served three terms as Representative, and in 1801 was appointed Secretary of the Treasury by Jefferson, having already won reputation as an able student of finance by his "Sketch of Finances" (1796); and "Views of Public Debt," (1800). Gallatin remained at the head of the Treasury Department, doing excellent work, and on account of his financial knowledge and good judgment, second only in that respect to Alexander Hamilton, was influential in directing the retrenchment policy of the government and shaping its attitude in the matter of financial reform. In 1813, he went to St. Petersburg as envoy extraordinary; but upon the English refusal of the mediation of Russia he proceeded to Ghent, where he and his associates negotiated and signed the treaty of peace (Dec. 24, 1814). A year afterward he, with Adams and Clay, signed a commercial convention between England and the United States. Declining to resume his former post at the head of the Treasury, he accepted that of minister to France, which he held between the years 1816 and 1823. In the latter year he again refused a Cabinet position and also a nomination for the Vice-presidency in 1826, though he served for a year (1827) as minister to England. In 1830, he was chosen president of the council of the University of the City of New York, and he filled the office of president of the National Bank, 1830–39. Gallatin's political views were those of a moderate anti-Federalist. He was greatly interested in science, and was not only the first president of the American Ethnological Society, but president of the New York Historical Society from 1843 until his death. His writings, in six volumes, edited by Henry Adams, appeared in 1879. See also the same editor's "Life of Albert Gallatin."

SPEECH ON THE BRITISH PEACE TREATY

TERMINATING THE WAR OF 1812–14

[A treaty of amity, commerce, and navigation between the United States and Great Britain was concluded on the nineteenth of November, 1794. Subsequently it was ratified by the President. On the second of March, 1796, the President proclaimed it the law of the land, and the same day communicated it to the House of Representatives in order that the necessary appropriations might be made to carry it into effect. On the twenty-sixth of April following, in Committee of the Whole, on the subjoined resolution: "Resolved, as the opinion of this Committee, that it is expedient to pass the laws necessary for carrying into effect the treaty with Great Britain," Mr. Gallatin spoke thus:]

MR. CHAIRMAN,—I will not follow some of the gentlemen who have preceded me by dwelling upon the discretion of the legislature; a question which has already been the subject of our deliberations, and been decided by a solemn vote. Gentlemen who were in the minority on that question may give any construction they please to the declaratory resolution of the House; they may again repeat that to refuse to carry the treaty into effect is a breach of the public faith which they conceive as being pledged by the President and Senate.

This has been the ground on which a difference of opinion has existed since the beginning of the discussion. It is because the House thinks that the faith of the nation cannot, on those subjects submitted to the power of Congress, be pledged by any constituted authority other than the legislature, that they resolved that in all such cases it is their right and duty to consider the expediency of carrying a treaty into effect. If the House think the faith of the nation already pledged they cannot claim any discretion; there is no room left to deliberate upon the expediency of the thing. The resolution now under consideration is merely "that it is expedient to carry the British treaty into effect," and not whether we are bound by national faith to do it. I will therefore consider the question of expediency alone; and, thinking as I do that the House has full discretion on this subject, I conceive that there is as much responsibility in deciding in the affirmative as in rejecting the resolution, and that we shall be equally answerable for the consequences that may follow from either.

It is, however, true that there was a great difference between the situation of this country in the year 1794, when a negotiator was appointed, and that in which we are at present; and that consequences will follow the refusal to carry into

effect the treaty in its present stage which would not have attended a refusal to negotiate and to enter into such a treaty. The question of expediency therefore assumes before us a different and more complex shape than when before the negotiator, the Senate, or the President. The treaty in itself and abstractedly considered may be injurious; it may be such an instrument as in the opinion of the House ought not to have been adopted by the Executive; and yet such as it is we may think it expedient under the present circumstances to carry it into effect. I will therefore first take a view of the provisions of the treaty itself, and in the next place, supposing it is injurious, consider, in case it is not carried into effect, what will be the natural consequences of such refusal.

The provisions of the treaty relate either to the adjustment of past differences or to the future intercourse of the two nations. The differences now existing between Great Britain and this country arose either from non-execution of some articles of the treaty of peace or from the effects of the present European war. The complaints of Great Britain in relation to the treaty of 1783 were confined to the legal impediments thrown by the several States in the way of the recovery of British debts. The late treaty provides adequate remedy on that subject; the United States are bound to make full and complete compensation for any losses arising from that source, and every ground of complaint on the part of Great Britain is removed.

Having thus done full justice to the other nation, America has a right to expect that equal attention shall be paid to her claims arising from infractions of the treaty of peace, namely, compensation for the negroes carried away by the British; restoration of the western posts, and indemnification for their detention.

On the subject of the first claim which has been objected to as groundless, I will observe that I am not satisfied that the construction given by the British government to that article of the treaty is justified even by the letter of the article. That construction rests on the supposition that slaves come under the general denomination of booty, and are alienated the moment they fall into the possession of an enemy, so that all those who were in the hands of the British when the treaty of peace was signed must be considered as British and not as American property, and are not included in the article.

It will, however, appear, by recurring to Vattel when speaking of the right of "Postliminium," that slaves cannot be considered as a part of the booty which is alienated by the act of capture, and that they are to be ranked rather with real property, to the profits of which only the captors are entitled. Be that as it may, there is no doubt that the construction given by America is that which was understood by the parties at the time of making the treaty. The journals of Mr. Adams, quoted by a gentleman from Connecticut, Mr. Coit, prove this fully; for when he says that the insertion of this article was alone worth the journey of Mr. Laurens from London, can it be supposed that he would have laid so much stress on a clause which, according to the new construction now attempted to be given, means only that the British would commit no new act of hostility—would not carry away slaves at that time in possession of Americans? Congress recognized that construction by adopting the resolution which has been already quoted, and which was introduced upon the motion of Mr. Alexander Hamilton, and it has not been denied that the British ministry during Mr. Adams' embassy also agreed to it.

But when our negotiator had, for the sake of peace, waved that claim; when he had also abandoned the right which

America had to demand an indemnification for the detention of the posts, although he had conceded the right of a similar nature which Great Britain had for the detention of debts; when he had thus given up everything which might be supposed to be of a doubtful nature, it might have been hoped that our last claim—a claim on which there was not and there never had been any dispute—the western posts should have been restored according to the terms of the treaty of peace.

Upon what ground the British insisted and our negotiator conceded that this late restitution should be saddled with new conditions which made no part of the original contract I am at a loss to know. British traders are allowed by the new treaty to remain within the posts without becoming citizens of the United States; and to carry on trade and commerce with the Indians living within our boundaries without being subject to any control from our government. In vain is it said that if that clause had not been inserted we would have found it to our interest to effect it by our own laws. Of this we are alone competent judges; if that condition is harmless at present it is not possible to foresee whether under future circumstances it will not prove highly injurious; and whether harmless or not it is not less a permanent and new condition imposed upon us. But the fact is that by the introduction of that clause, by obliging us to keep within our jurisdiction as British subjects the very men who have been the instruments used by Great Britain to promote Indian wars on our frontiers; by obliging us to suffer those men to continue their commerce with the Indians living in our territory, uncontrolled by those regulations which we have thought necessary in order to restrain our own citizens in their intercourse with these tribes, Great Britain has preserved her full influence with the Indian nations. By a restoration of the posts under that condition we

have lost the greatest advantage that was expected from their possession, namely, future security against the Indians. In the same manner have the British preserved the commercial advantages which result from the occupancy of those posts by stipulating as a permanent condition a free passage for their goods across our portages without paying any duty.

Another article of the new treaty which is connected with the provisions of the treaty of 1783 deserves consideration; I mean what relates to the Mississippi. At the time when the navigation of that river to its mouth was by the treaty of peace declared to be common to both nations, Great Britain communicated to America a right which she held by virtue of the treaty of 1763 and as owner of the Floridas; but since that cession to the United States, England has ceded to Spain her claim on the Floridas and does not own at the present time an inch of ground either on the mouth or on any part of that river. Spain now stands in the place of Great Britain, and by virtue of the treaty of 1783 it is to Spain and America, and not to England and America, that the navigation of the Mississippi is at present to be common.

Yet, notwithstanding this change of circumstances, we have repeated this article of the former treaty in the late one, and have granted to Great Britain the additional privilege of using our ports on the eastern side of the river, without which, as they own no land thereon, they could not have navigated it. Nor is this all. Upon a supposition that the Mississippi does not extend so far northward as to be intersected by a line drawn due west from the Lake of the Woods, or, in other words, upon a supposition that Great Britain has not a claim even to touch the Mississippi, we have agreed, not upon what will be the boundary line, but that we will hereafter negotiate to settle that line.

Thus leaving to future negotiations what should have been finally settled by the treaty itself, in the same manner as all other differences were, is calculated for the sole purpose either of laying the foundation of future disputes or of recognizing a claim in Great Britain on the waters of the Mississippi, even if their boundary line leaves to the southward the sources of that river.

Had not that been the intention of Great Britain, the line would have been settled at once by the treaty according to either of the two only rational ways of doing it in conformity to the treaty of 1783; that is to say, by agreeing that the line should run from the northernmost sources of the Mississippi either directly to the western extremity of the Lake of the Woods, or northwardly till it intersected the line to be drawn due west from that lake. But by repeating the article of the treaty of 1783, by conceding the free use of our ports on the river, and by the insertion of the fourth article, we have admitted that Great Britain in all possible events has still a right to navigate that river from its source to its mouth. What may be the future effects of these provisions, especially as they regard our intercourse with Spain, it is impossible at present to say; but although they can bring us no advantage they may embroil us with that nation; and we have already felt the effect of it in our late treaty with Spain, since we were obliged, on account of that clause of the British treaty, to accept as a gift and a favor the navigation of that river which we had till then claimed as a right.

The seventh article of the treaty is intended to adjust those differences which arose from the effects of the present European war. On that article it may also be observed that whilst it provides a full compensation for the claims of the British, it is worded in such a manner, when speaking of the indemnifica-

tion for spoliations committed on the American commerce, as will render it liable to a construction very unfavorable to our just claims on that ground. The commissioners to be appointed by virtue of that article are to take cognizance and to grant redress only in those cases where, by reason of irregular or illegal captures or condemnation, made under color of authority or commissions from the King of Great Britain, losses have been incurred, and where adequate compensation cannot now be actually obtained by the ordinary course of judicial proceedings.

If Great Britain should insist that since the signing of the treaty they had, by admitting appeals to their superior courts, afforded a redress by the ordinary course of judicial proceedings; if those courts were to declare that the captures complained of were neither illegal nor made under color, but by virtue of authority or commissions from the king; and if that construction should prevail with the commissioners, the indemnification which our plundered merchants would actually receive in consequence of the provisions of this article would fall very short of their expectations and of their just claims. Yet this article, considering the relative situation of the two countries at the time when the negotiation took place, is as much as could reasonably have been expected by America. When a weak nation has to contend with a powerful one it is gaining a great deal if the national honor is saved even by the shadow of an indemnification and by an apparent concession on the part of the aggressor; and however objectionable the article might appear at first view, I am, on the whole, satisfied with it.

The remaining provisions of the treaty have no connection with past differences; they make no part of the convention which was the avowed object of Mr. Jay's mission; they apply

solely to the future intercourse of the two nations as relating to commerce and navigation; and had they been entirely omitted our differences would have been nevertheless adjusted. It is agreed on all hands that, so far as relates to our commerce with Great Britain, we want no treaty. The intercourse, although useful perhaps to both parties, is more immediately necessary to England, and her own interest is a sufficient pledge of her granting us at all times a perfect liberty of commerce to her European ports. If we want to treat with her it must be in order to obtain some intercourse with her colonies and some general security in our navigation. . . .

Whatever evils may follow a rejection of the treaty, they will not attend a postponement. To suspend our proceedings will not throw us into a situation which will require new negotiations, new arrangements on the points already settled and well understood by both parties. It will be merely a delay until an explanation of the late conduct of the British toward us may be obtained, or until that conduct may be altered. If, on the contrary, we consent to carry the treaty into effect under the present circumstances, what will be our situation in future? It is by committing the most wanton and the most unprovoked aggressions on our trade; it is by seizing a large amount of our property as a pledge for our good behavior, that Great Britain has forced the nation into the present treaty.

If by threatening new hostilities, or rather by continuing her aggressions, even after the treaty is made, she can force us also to carry it into effect, our acquiescence will be tantamount to a declaration that we mean to submit in proportion to the insults that are offered to us, and this disposition being once known, what security have we against new insults, new aggressions, new spoliations which probably will lay the founda-

tion of some additional demands on the part of the aggressor, and of some additional sacrifice on ours? It has been said, and said with truth, that to put up with the indignities we have received without obtaining any reparation, which will probably be the effect of defeating the treaty, is highly dishonorable to the nation. In my opinion it is still more so not only tamely to submit to a continuation of these national insults, but, while they thus continue uninterrupted, to carry into effect the instrument we have consented to accept as a reparation for former ones. When the general conduct of Great Britain towards us from the beginning of the present war is considered, when the means by which she has produced the treaty are reflected on, a final compliance on our part while she still persists in that conduct, whilst the chastening rod of that nation is still held over us, is in my opinion a dereliction of national interest, of national honor, of national independence.

But it is said that war must be the consequence of our delaying to carry the treaty into effect. Do the gentlemen mean that if we reject the treaty, if we do not accept the reparation there given to us, in order to obtain redress, we have no alternative left but war? If we must go to war in order to obtain reparation for insults and spoliations on our trade, we must do it even if we carry the present treaty into effect, for this treaty gives us no reparation for the aggressions committed since it was ratified, has not produced a discontinuance of those acts of hostility, and gives us no security that they shall be discontinued.

But the arguments of those gentlemen who suppose that America must go to war apply to a final rejection of the treaty and not to a delay. I do not propose to refuse the reparation offered by the treaty and to put up with the aggressions com-

mitted; I have agreed that that reparation, such as it is, is a valuable article of the treaty; I have agreed that under the present circumstances a greater evil will follow a total rejection of than an acquiescence in the treaty. The only measure which has been mentioned in preference of the one now under discussion is a suspension, a postponement whilst the present spoliations continue, in hopes to obtain for them a similar reparation and assurances that they shall cease.

But is it meant to insinuate that it is the final intention of those who pretend to wish only for a postponement to involve this country in a war? There has been no period during the present European war at which it would not have been equally weak and wicked to adopt such measures as must involve America in the contest unless forced into it for the sake of self-defence; but, at this time, to think of it would fall but little short of madness. The whole American nation would rise in opposition to the idea, and it might at least have been recollected that war cannot be declared except by Congress, and that two of the branches of government are sufficient to check the other in any supposed attempt of this kind.

If there is no necessity imposed upon America to go to war, if there is no apprehension she will by her own conduct involve herself in one, the danger must arise from Great Britain, and the threat is that she will make war against us if we do not comply. Gentlemen first tell us that we have made the best possible bargain with that nation; that she has conceded everything without receiving a single iota in return; and yet they would persuade us that she will make war against us in order to force us to accept that contract so advantageous to us and so injurious to herself. It will not be contended that a delay until an amicable explanation is obtained could afford even a pretence to Great Britain for going to war, and we all

know that her own interest would prevent her. If another campaign takes place it is acknowledged that all her efforts are to be exerted against the West Indies. She has proclaimed her own scarcity of provisions at home, and she must depend on our supplies to support her armament.

It depends upon us to defeat her whole scheme, and this is a sufficient pledge against open hostility if the European war continues. If peace takes place there will not be even the appearance of danger; the moment when a nation is happy enough to emerge from one of the most expensive, bloody, and dangerous wars in which she ever has been involved will be the last she would choose to plunge afresh into a similar calamity.

But to the cry of war the alarmists do not fail to add that of confusion, and they have declared, even on this floor, that if the resolution is not adopted government will be dissolved. Government dissolved in case a postponement takes place! The idea is too absurd to deserve a direct answer. But I will ask those gentlemen, by whom government is to be dissolved? Certainly not by those who may vote against the resolution, for although they are not perhaps fortunate enough to have obtained the confidence of the gentlemen who voted against them, still it must be agreed that those who succeed in their wishes, who defeat a measure they dislike, will not wish to destroy that government which they hold so far in their hands as to be able to carry their own measures. For them to dissolve government would be to dissolve their own power. By whom then, I again ask, is the government to be dissolved?

The gentlemen must answer—by themselves—or they must declare that they mean nothing but to alarm. Is it really the language of those men who profess to be, who distinguish themselves by the self-assumed appellation of, friends to

order, that if they do not succeed in all their measures they will overset government — and have all their professions been only a veil to hide their love of power, a pretence to cover their ambition?

Do they mean that the first event which shall put an end to their own authority shall be the last act of government? As to myself, I do not believe that they have such intentions; I have too good an opinion of their patriotism to allow myself to admit such an idea a single moment, but I think myself justifiable in entertaining a belief that some amongst them, in order to carry a favorite, and what they think to be an advantageous measure, mean to spread an alarm which they do not feel, and I have no doubt that many have contracted such a habit of carrying every measure of government as they please, that they really think that everything must be thrown into confusion the moment they are thwarted in a matter of importance. I hope that experience will in future cure their fears.

But at all events, be the wishes and intentions of the members of this House what they may, it is not in their power to dissolve the government. The people of the United States, from one end of the continent to the other, are strongly attached to their constitution; they would restrain and punish the excesses of any party, of any set of men in government who would be guilty of the attempt, and on them I will rest as a full security against every endeavor to destroy our union, our constitution, or our government.

But although I am not afraid of a dissolution, I feel how highly desirable is a more general union of sentiment; I feel the importance of an agreement of opinion between the different branches of government, and even between the members of the same branch. I would sacrifice much to obtain

that object; it has been one of the most urging motives with me to be in favor, not of a rejection, but only of a suspension of a delay. But even as a matter of opinion it is difficult to say which mode of proceeding in this house will best accord with the general sentiments of the people.

So far as relates to the petitions before us, the number of signatures against the treaty exceeds, at the moment I am speaking, the number of those in favor of the treaty. Amongst the last, some have come from one part of the Union, where it seems, both from the expressions in the petition itself and from the proceedings there, that a great inducement in the petitioners to sign was a wish to carry the treaty with Spain into effect, as they appear to suppose that its fate depends upon that of the British treaty. How they would act upon the British treaty alone and unconnected with the other I do not know, nor have I any evidence which enables me to form an opinion thereon. All I know is that until the Spanish treaty was made they were perfectly silent on the subject of the other treaty and never expressed an opinion upon it alone.

True it is that an alarm which has produced a combination has lately taken place amongst the merchants of this and some other seaports. What effect it will have, and how successful they will eventually be in spreading this alarm amongst the people at large, I cannot tell, but there are circumstances accompanying their petition which, in my opinion, much diminish the weight they otherwise might have had. They have undoubtedly a right to petition upon every public measure where they think themselves interested, and their petitions deserve equal regard with those of their fellow citizens throughout the United States.

But on this occasion, in order to create an alarm, in order

to induce the people to join them, in order to force the House to pass the laws relative to the treaty, they have formed a dangerous combination, and affected to cease insuring vessels, purchasing produce, and transacting any business.

A gentleman from New York, Mr. Williams, has been so much alarmed himself that he has predicted a fall in the price of every kind of produce, and seems indeed to have supposed that the clamors of a few individuals here would either put an end to or satisfy the wants of those nations which depend on us for supplies of provisions. Yet it has so happened, and it is a complete proof that the whole is only an alarm, that whilst we have been debating, the price of flour, which was of very dull sale two weeks ago, has risen in equal proportion with the supposed fears of the purchasers. I cannot help considering the cry of war, the threats of a dissolution of government, and the present alarm, as designed for the same purpose, that of making an impression on the fears of this House. It was through the fear of being involved in a war that the negotiation with Great Britain originated; under the impression of fear the treaty has been negotiated and signed; a fear of the same danger, that of war, has promoted its ratification, and now every imaginary mischief which can alarm our fears is conjured up in order to deprive us of that discretion which this House thinks they have a right to exercise, and in order to force us to carry the treaty into effect.

If the people of the United States wish this House to carry the treaty into effect immediately, and notwithstanding the continued aggressions of the British, if their will was fairly and fully expressed, I would immediately acquiesce; but since an appeal has been made to them it is reasonable to suspend a decision until their sentiments are known.

Till then I must follow my own judgment, and as I cannot

see that any possible evils will follow a delay, I shall vote against the resolution before the committee in order to make room either for that proposed by my colleague, Mr. Maclay, or for any other, expressed in any manner whatever, provided it embraces the object I have in view, to wit, the suspension of the final vote—a postponement of the laws necessary to carry the treaty into effect until satisfactory assurances are obtained that Great Britain means in future to show us that friendly disposition which it is my earnest wish may at all times be cultivated by America towards all other nations.

SAMUEL DEXTER

Samuel Dexter, LL. D., an American jurist and politician, was born at Boston, Mass., May 14, 1761, and died at Athens, N. Y., May 4, 1816. He was the son of a wealthy merchant, prominent as a patriot during the American Revolution, and was educated at Harvard University. He studied law at Worcester, Mass., and after practicing there with success removed to Boston, which continued to be his home henceforward. In his political views he was a Federalist and sided with that party on his entrance into the United States Senate in 1798. In 1800, he was for a short time secretary of war and in the following year filled the post of secretary of the treasury. His professional duties called him to Washington yearly in the conduct of important cases before the Supreme Court, where as an able reasoner and advocate he was surpassed by few of his contemporaries. He separated from the Federalists in 1812, at which time he supported the war policy of the government against England. His chief published works are his "Speeches and Political Papers."

ARGUMENT IN SELFRIDGE'S TRIAL

[Delivered in the Supreme Judicial Court of Massachusetts, at the trial of Thomas O. Selfridge, attorney-at-law, for killing Charles Austin, on the public Exchange, in Boston, on the 4th of August, 1806.]

MAY IT PLEASE YOUR HONOR, AND YOU, GENTLEMEN OF THE JURY,—It is my duty to submit to your consideration some observations in the close of the defence of this important and interesting cause. In doing it, though I feel perfectly satisfied that you are men of pure minds, yet I reflect with anxiety that no exertion or zeal on the part of the defendant's counsel can possibly insure justice unless you likewise perform your duty. Do not suppose that I mean to suggest the least suspicion with respect to your principles or motives. I know you to have been selected in a manner most likely to obtain impartial justice; and doubtless you have honestly resolved and endeavored to lay aside all opinions which you may have entertained

previous to this trial. But the difficulty of doing this is perhaps not fully estimated; a man deceives himself oftener than he misleads others; and he does injustice from his errors when his principles are all on the side of rectitude. To exhort him to overcome his prejudices is like telling a blind man to see. He may be disposed to overcome them and yet be unable, because they are unknown to himself. When prejudice is once known it is no longer prejudice, it becomes corruption; but so long as it is not known the possessor cherishes it without guilt: he feels indignation for vice and pays homage to virtue; and yet does injustice. It is the apprehension that you may thus mistake, that you may call your prejudices principles, and believe them such, and that their effects may appear to you the fruits of virtue, which leads us so anxiously to repeat the request that you would examine your hearts and ascertain that you do not come here with partial minds. In ordinary cases there is no reason for this precaution. Jurors are so appointed by the institutions of our country as to place them out of the reach of improper influence on common occasions,—at least as much so as frail humanity will permit.

But when a cause has been a long time the subject of party discussion; when every man among us belongs to one party or the other, or at least is so considered; when the Democratic presses throughout the country have teemed with publications fraught with appeals to the passions and bitter invective against the defendant, when on one side everything has been done that party rage could do to prejudice this cause, and on the other little has been said in vindication of the supposed offender (though on one occasion I admit that too much has been said); when silence has been opposed to clamor, and patient waiting for a trial to systematic labor to prevent jus-

tice; when the friends of the accused, restrained by respect for the laws, have kept silence because it was the exclusive right of a court of justice to speak; when no voice has been heard from the walls of the defendant's prison but a request that he may not be condemned without a trial,—the necessary consequence must be that opinion will progress one way; that the stream of incessant exertion will wear a channel in the public mind, and the current may be strong enough to carry away those who may be jurors, though they know not how or when they received the impulse that hurries them forward.

I am fortunate enough not to know with respect to most of you to what political party you belong. Are you Republican Federalists? I ask you to forget it: leave all your political opinions behind you; for it would be more mischievous that you should acquit the defendant from the influence of these than that an innocent man, by mistake, should be convicted. In the latter case his would be the misfortune and to him it would be confined; but in the other you violate a principle, and the consequence may be ruin. Consider what would be the effect of an impression on the public mind that in consequence of party opinion and feelings the defendant was acquitted. Would there still be recourse to the laws and to the justice of the country? Would the passions of the citizen in a moment of frenzy be calmed by looking forward to the decision of courts of law for justice? Rather every individual would become the avenger of imaginary transgression. Violence would be repaid with violence; havoc would produce havoc; and instead of a peaceable recurrence to the tribunals of justice the spectre of civil discord would be seen stalking through our streets scattering desolation, misery, and crimes.

Such may be the consequences of indulging political

prejudice on this day; and if so, you are amenable to your country and your God. This I say to you who are Federalists; and have I not as much right to speak thus to those who are Democratic Republicans? That liberty which you cherish with so much ardor depends on your preserving yourselves impartial in a court of justice. It is proved by the history of man, at least of civil society, that the moment the judicial power becomes corrupt liberty expires. What is liberty but the enjoyment of your rights free from outrage or danger? And what security have you for these but an impartial administration of justice? Life, liberty, reputation, property, and domestic happiness are all under its peculiar protection. It is the judicial power uncorrupted that brings to the dwelling of every citizen all the blessings of civil society and makes it dear to man. Little has the private citizen to do with the other branches of government. What to him are the great and splendid events that aggrandize a few eminent men and make a figure in history? His domestic happiness is not less real because it will not be recorded for posterity; but this happiness is his no longer than courts of justice protect it.

It is true injuries cannot always be prevented; but while the fountains of justice are pure the sufferer is sure of a recompense.

Contemplate the intermediate horrors and final despotism that must result from mutual deeds of vengeance when there is no longer an impartial judiciary to which contending parties may appeal with full confidence that principles will be respected. Fearful must be the interval of anarchy; fierce the alternate pangs of rage and terror, till one party shall destroy the other and a gloomy despotism terminate the struggles of conflicting factions. Again I beseech you to abjure your prejudices. In the language once addressed from

heaven to the Hebrew prophet, "Put off your shoes, for the ground on which you stand is holy." You are the professed friends, the devoted worshippers of civil liberty; will you violate her sanctuary? Will you profane her temple of justice? Will you commit sacrilege while you kneel at her altar?

BARNAVE

ANTOINE PIERRE JOSEPH MARIE BARNAVE, French revolutionist, lawyer, and orator, and president, in 1790, of the National Assembly, was born at Grenoble, France, Oct. 22, 1761, and was guillotined at Paris, Nov. 29, 1793. He studied law, and, at the age of twenty-two, made himself favorably known by a discourse pronounced before the local Parliament on the Division of Political Powers. On May 5, 1789, the States-General were convoked at Versailles, and Barnave was chosen deputy of the Third Estate for his native province. Next to Mirabeau, to whom, on several occasions, he was opposed, Barnave was the most powerful orator of the National Assembly. After the fall of the Bastille, he advocated the suspensive veto, the system of two Chambers, and the establishment of trial by jury in civil causes, after which he became President of the Assembly. On the arrest of the King and the royal family, Barnave was one of the three appointed to conduct them back to Paris. It is said that on the occasion he gained the favor of the Queen by his gallantry to her on her return to the capital after her flight with the King to Varennes. His public career came to an end in 1792 with the close of the Constituent Assembly. Shortly afterward he was arrested and imprisoned, on suspicion of being in sympathy with the royal family and of conspiring with the court against the nation. For this, in 1793, he died by the guillotine.

REPRESENTATIVE DEMOCRACY AGAINST MAJORITY ABSOLUTISM

DELIVERED IN THE NATIONAL ASSEMBLY, AUGUST 11, 1791

IT IS not enough to desire to be free—one must know how to be free. I shall speak briefly on this subject, for after the success of our deliberations, I await with confidence the spirit and action of this Assembly. I only wish to announce my opinions on a question, the rejection of which would sooner or later mean the loss of our liberties. This question leaves no doubt in the minds of those who reflect on governments and are guided by impartial

judgments. Those who have combated the committee have made a fundamental error. They have confounded democratic government with representative government; they have confounded the rights of the people with the qualifications of an elector, which society dispenses for its well understood interest. Where the government is representative, where there exists an intermediary degree of electors, society, which elects them, has essentially the right to determine the conditions of their eligibility. There is one right existing in our constitution, that of the active citizen, but the function of an elector is not a right. I repeat, society has the right to determine its conditions. Those who misunderstand the nature as they do the advantages of representative government, remind us of the governments of Athens and Sparta, ignoring the differences that distinguish them from France, such as extent of territory, population, etc. Do they forget that they interdicted representative government? Have they forgotten that the Lacedemonians had the right to vote in the assemblies only when they held helots? And only by sacrifice of individual rights did the Lacedemonians, Athenians, and Romans possess any democratic governments! I ask those who remind us of them, if it is at such government they would arrive? I ask those who profess here metaphysical ideas, because they have no practical ideas, those who envelop the question in clouds of theory, because they ignore entirely the fundamental facts of a positive government—I ask is it forgotten that the democracy of a portion of a people would exist but by the entire enslavement of the other portion of the people? A representative government has but one evil to fear, that of corruption. That such a government shall be good, there must be guaranteed the

purity and incorruptibility of the electorate. This body needs the union of three eminent guarantees. First, the light of a fair education and broadened views. Second, an interest in things, and still better if each had a particular and considerable interest at stake to defend. Third, such condition of fortune as to place the elector above attack from corruption.

These advantages I do not look for in the superior class of the rich, for they undoubtedly have too many special and individual interests, which they separate from the general interests. But if it is true that we must not look for the qualifications of the pure elector among the eminently rich, neither should I look for it among those whose lack of fortune has prevented their enlightenment; among such, unceasingly feeling the touches of want, corruption too easily can find its means. It is, then, in the middle class that we find the qualities and advantages I have cited. And, I ask, is it the demand that they contribute five to ten francs that causes the assertion that we would throw elections into the hands of the rich? You have established the usage that the electors receive nothing; if it were otherwise their great number would make an election most expensive. From the instant that the voter has not means enough to enable him to sacrifice a little time from his daily labor, one of three things would occur. The voter would absent himself, or insist on being paid by the State, else he would be rewarded by the one who wanted to obtain his suffrage. This does not occur when a comfortable condition is necessary to constitute an elector. As soon as the government is established, when the constitution is guaranteed, there is but a common interest for those who live on their property, and those who toil honestly. Then can be

distinguished those who desire a stable government and those who seek but revolution and change, since they increase in importance in the midst of trouble as vermin in the midst of corruption.

If it is true, then, that under an established constitutional government all its well-wishers have the same interest, the power of the same must be placed in the hands of the enlightened who can have no interest pressing on them, greater than the common interest of all the citizens. Depart from these principles and you fall into the abuses of representative government. You would have extreme proverty in the electorate and extreme opulence in the legislature. You would see soon in France what you see now in England, the purchase of voters in the boroughs not with money, even, but with pots of beer. Thus incontestably are elected many of their parliamentary members. Good representation must not be sought in either extreme, but in the middle class. The committee have thus placed it by making it incumbent that the voter shall possess an accumulation the equivalent of, say forty days of labor. This would unite the qualities needed to make the elector exercise his privilege with an interest in the same. It is necessary that he own from one hundred and twenty to two hundred and forty livres, either in property or chattels. I do not think it can seriously be said that this qualification is fixed too high, unless we would introduce among our electors men who would beg or seek improper recompense.

If you would have liberty subsist do not hesitate because of specious arguments which will be presented to you by those who, if they reflect, will recognize the purity of our intentions and the resultant advantages of our plans. I add to what I have already said that the system will diminish

many existing inconveniences, and the proposed law will not have its full effect for two years. They tell us we are taking from the citizen a right which elevated him by the only means through which he can acquire it. I reply that if it was an honor the career which you will open for them will imprint them with character greater and more in conformity with true equality. Our opponents have not failed either to magnify the inconveniences of changing the constitution. Nor do I desire its change. For that reason we should not introduce imprudent discussions to create the necessity of a national convention. In one word, the advice and conclusions of the committee are the sole guarantees for the prosperity and peaceable condition of the nation.

COMMERCIAL POLITICS

COMMERCE forms a numerous class, friends of external peace and internal tranquillity, who attach themselves to the established government.

It creates great fortunes, which in republics become the origin of the most forceful aristocracies. As a rule commerce enriches the cities and their inhabitants, and increases the laboring and mechanical classes, in opening more opportunities for the acquirement of riches. To an extent it fortifies the democratic element in giving the people of the cities greater influence in the government. It arrives at nearly the same result by impoverishing the peasant and landowner, by the many new pleasures offered him and by displaying to him the ostentation and voluptuousness of luxury and ease. It tends to create bands of mercenaries rather than those capable of worthy personal

service. It introduces into the nation luxury, ease, and avarice at the same time as labor.

The manners and morals of a commercial people are not the manners of the merchant. He individually is economical, while the general mass are prodigal. The individual merchant is conservative and moral, while the general public are rendered dissolute.

The mixture of riches and pleasures which commerce produces, joined to freedom of manners, leads to excesses of all kinds, at the same time that the nation may display the perfection of elegance and taste that one noticed in Rome, mistress of the world, or in France before the Revolution. In Rome the wealth was the inflow of the whole world, the product of the hardiest ambition, producing the deterioration of the soldier and the indifference of the patrician. In France the wealth was the accumulation of an immense commerce and the varied labors of the most industrious nation on the earth diverted by a brilliant and corrupt court, a profligate and chivalrous nobility, and a rich and voluptuous capital.

Where a nation is exclusively commercial, it can make an immense accumulation of riches without sensibly altering its manners. The passion of the trader is avarice and the habit of continuous labor. Left alone to his instincts he amasses riches to possess them, without designing or knowing how to use them. Examples are needed to conduct him to prodigality, ostentation, and moral corruption. As a rule the merchant opposes the soldier. One desires the accumulations of industry, the other of conquest. One makes of power the means of getting riches, the other makes of riches the means of getting power. One is disposed to be economical, a taste due to his labor. The

other is prodigal, the instinct of his valor. In modern monarchies these two classes form the aristocracy and the democracy. Commerce in certain republics forms an aristocracy, or rather an "extra aristocracy in the democracy." These are the directing forces of such democracies, with the addition of two other governing powers, which have come in, the clergy and the legal fraternity, who assist largely in shaping the course of events.

ORATION FOR THE CROWN

THE French nation has just undergone a violent shock; but if we are to believe all the auguries which are delivered, this recent event, like all others which have preceded it, will only serve to advance the period, to confirm the solidity of the revolution we have effected. I will not dilate on the advantages of monarchical government; you have proved your conviction by establishing it in your country; I will only say that every government, to be good, should comprise within itself the principle of its stability; for otherwise instead of prosperity there would be before us only the perspective of a series of changes. Some men, whose motives I shall not impugn, seeking for examples to adduce, have found, in America, a people occupying a vast territory with a scanty population, nowhere surrounded by very powerful neighbors, having forests for their boundaries, and having for customs the feelings of a new race, and who are wholly ignorant of those factitious passions and impulses which effect revolutions of government. They have seen a republican government established in that land, and have thence drawn the conclusion that a similar government was suitable

for us. These men are the same who at this moment are contesting the inviolability of the king. But if it be true that in our territory there is a vast population spread,—if it be true that there are amongst them a multitude of men exclusively given up to those intellectual speculations which excite ambition and the love of fame,—if it be true that around us powerful neighbors compel us to form but one compact body in order to resist them,—if it be true that all these circumstances are irresistible, and are wholly independent of ourselves, it is undeniable that the sole existing remedy lies in a monarchical government. When a country is populous and extensive, there are—and political experience proves it—but two modes of assuring to it a solid and permanent existence. Either you must organize those parts separately—you must place in each section of the empire a portion of the government, and thus you will maintain security at the expense of unity, strength, and all the advantages which result from a great and homogeneous association—or else you will be forced to centralize an unchangeable power, which, never renewed by the law, presenting incessantly obstacles to ambition, resists with advantage the shocks, rivalries, and rapid vibrations of an immense population, agitated by all the passions engendered by long-established society. These facts decide our position. We can only be strong through a federative government, which no one here has the madness to propose, or by a monarchical government, such as you have established; that is to say, by confiding the reins of the executive power to a family having the right of hereditary succession. You have intrusted to an inviolable king the exclusive function of naming the agents of his power, but you have made those agents responsible. To be independent the king must be inviolable: do not let us set aside this axiom. We have never failed to observe this

as regards individuals; let us regard it as respects the monarch. Our principles, the constitution, the law, declare that he has not forfeited *(qu'il n'est pas déchu)*; thus, then, we have to choose between our attachment to the constitution and our resentment against an individual. Yes; I demand at this moment from him amongst you all, who may have conceived against the head of the executive power prejudices however strong and resentment however deep; I ask at his hands whether he is more irritated against the king than he is attached to the laws of his country? I would say to those who rage so furiously against an individual who has done wrong,—I would say, Then you would be at his feet if you were content with him? Those who would thus sacrifice the constitution to their anger against one man seem to me too much inclined to sacrifice liberty from their enthusiasm for some other man; and since they love a republic it is indeed the moment to say to them, What! would you wish a republic in such a nation? How is it you do not fear that the same variableness of the people which to-day manifests itself by hatred may on another day be displayed by enthusiasm in favor of some great man?—enthusiasm even more dangerous than hatred; for the French nation, you know, understands better how to love than to hate. I neither fear the attacks of foreign nations nor of emigrants; I have already said so; but I now repeat it with the more truth, as I fear the continuation of uneasiness and agitation, which will not cease to exist and affect us until the revolution be wholly and pacifically concluded. We need fear no mischief from without; but vast injury is done to us from within, when we are disturbed by painful ideas—when chimerical dangers, excited around us, create with the people some consistency and some credit for the men who use them as a means of unceasing agitation. Immense damage is done to

us when that revolutionary impetus which has destroyed everything there was to destroy, and which has urged us to the point where we must at last pause, is perpetuated. If the revolution advance one step further it cannot do so without danger. In the line of liberty, the first act which can follow is the annihilation of royalty; in the line of equality, the first act which must follow is an attempt on all property. Revolutions are not effected with metaphysical maxims—there must be an actual tangible prey to offer to the multitude that is led astray. It is time, therefore, to end the revolution. It ought to stop at the moment when the nation is free and when all Frenchmen are equal. If it continue in trouble it is dishonored, and we with it; yes, all the world ought to agree that the common interest is involved in the close of the revolution. Those who have lost ought to perceive that it is impossible to make it retrograde. Those who fashioned it must see that it is at its consummation. Kings themselves—if from time to time profound truths can penetrate to the councils of kings—if occasionally the prejudices which surround them will permit the sound views of a great and philosophical policy to reach them—kings themselves must learn that there is for them a wide difference between the example of a great reform in the government and that of the ambition of royalty; that if we pause here, where we are, they are still kings! but be their conduct what it may, let the fault come from them and not from us. Regenerators of the empire! follow straightly your undeviating line; you have been courageous and potent—be to-day wise and moderate. In this will consist the glorious termination of your efforts. Then, again returning to your domestic hearths, you will obtain from all, if not blessings, at least the silence of calumny.

ROYER-COLLARD

Pierre Paul Royer-Collard, French philosopher and politician, and in 1828 president of the Chamber of Deputies, was born at Sompuis, Marne, France, June 21, 1763, and died near St.-Aignan, Sept. 4, 1845. After receiving a liberal education, he was admitted to practice at the Bar. On the outbreak of the French Revolution, he took the popular side, and was Secretary of the Paris Municipal Council, and a member in 1797 of the Council of Five Hundred. He was, however, repelled by the sanguinary course pursued by Danton and Robespierre, and from the era of the Reign of Terror until the fall of Napoleon, in 1814, he lived in retirement, devoting himself to his duties as professor of philosophy in Paris. After the Restoration, he was elected to the Chamber of Deputies, and remained a member of it for about fifteen years, becoming eventually its president. The annexed speech was delivered while the doctrinaire was a member of that body. After the Revolution of July, 1830, he withdrew from politics.

"SACRILEGE" IN LAW

CHAMBER OF DEPUTIES, PARIS, 1825, AGAINST THE DEATH PENALTY FOR SACRILEGE

WHAT is a sacrilege? It is, according to this law, the profanation of sacred vases and of consecrated wafers. What, then, is profanation? It is an act of violence committed voluntarily, through hatred or contempt of religion. What are consecrated wafers? We Catholics believe that consecrated wafers are no longer the wafers that we see, but Jesus Christ the Holy of Holies; God and man together, invisible and present in the most sacred of our mysteries. The violence is thus committed against Jesus Christ himself. The irreverence of this language is shocking, for religion also has its modesty; but the irreverence is that of the law. The sacrilege then consists, I take the law to witness, in an act of violence committed

upon Jesus Christ. The crime punishable by the law, under the name of sacrilege, is a direct outrage on the Divine Majesty; that is to say, according to ancient ordinance, the crime of lèse-majesté divine; and as this crime exclusively springs from the Catholic dogma of the Real Presence, it results that if, in thought, we can separate from the wafers the real presence and divinity of Jesus Christ, the sacrilege disappears together with the penalty by which it is punished. It is the dogma which makes the crime, and it is also the dogma which gives it a name.

For three ages past the Christian religion has unfortunately been torn into Catholic and Protestant, and the dogma of the Real Presence is only true on this side of the strait which separates them; but beyond that it is false and idolatrous. Truth is limited by the seas, the rivers, and the mountains; it is determined, as Pascal says, by a meridian. There are as many varieties of truth as of State religions. Still more, if in every State, and under the same meridian, the political law should change, truth, a docile companion, changes with it, and all these truths, contradictory among themselves, have an equal claim to the title of immutable, absolute truth, of which, according to your law, we must be satisfied by executions that will at all times and places be equally just. Contempt of God and man cannot be carried further than this, and yet such are the natural and necessary consequences of legal truth; it is impossible to avoid them when once the principle is admitted. Will it be said that this is not the principle of the law? Whenever this is asserted I shall still repeat that the law admits the legal sacrilege against consecrated wafers, if the Real Presence is not a legal truth.

But other consequences spring from the same principle.

We do not play with religion as with men; we do not allot to it the part it is to take; we cannot say to it with authority: Thus far shalt thou go, and no further. The sacrilege resulting from the profanation of consecrated wafers is provided against in your law; but why that one alone, when there are as many acts of sacrilege as there are modes of outraging the Deity? And why the crime of sacrilege alone, when with equal audacity heresy and blasphemy are knocking at the door? Truth does not suffer these partial compromises. By what right does your profane hand thus divide the Divine Majesty, declaring it vulnerable upon one point alone, and invulnerable upon every other? Sensitive to acts of violence, but insensible to all other kinds of outrage. That writer is not wrong who declares your law to be paltry, fraudulent, and even atheistical! The moment that a single dogma of the Catholic religion enters into the law, that religion should be held true in its fullest extent, and all the others false; it should form a part of the constitution of the State, and thence spread itself through all its civil and political institutions.

In breaking a long silence, I have wished to mark my lively opposition to the theocratic principle which threatens at once society and religion, a principle so much the more serious that it is not, as in the days of barbarity and ignorance, the sincere fury of a too ardent zeal which relights this torch. There is no longer a St. Dominic, neither are we Albigenses. The theocracy of our times is less religious than political; it forms a part of that system of reaction which leads us on; and that which now renews it is its counter-revolutionary aspect. Without doubt, gentlemen, the revolution has been impious even to fanaticism and to cruelty; but let them take care, it was that crime, above

all others, which caused its ruin; and we may predict to the counter-revolution that reprisals of cruelty, even if only written, will bear evidence against it, and blast it in its turn. I vote against the law.

AGAINST PRESS CENSORSHIP

DELIVERED IN THE FRENCH CHAMBER OF DEPUTIES IN 1828

IN THE ideas of some men, it was imprudent on the great day of creation to allow man, a free and intelligent being, to escape into the midst of the universe! A more lofty wisdom is now about to repair this fault of Providence and to render humanity, sagely mutilated, the service of elevating it at last to the happy innocence of the brute creation! The Author of all things formerly thought otherwise; but he was wrong! Truth is a good, say these men, more provident than nature, but error is an evil. Perish, then, both truth and error! As a prison is the natural remedy for liberty, ignorance will be the natural remedy for intelligence; ignorance is the true science of man and of society! Gentlemen, a law which thus denies the existence of mind is an atheistical law and should not be obeyed! Alas! we have passed through periods when the authority of the law, having been usurped by tyranny, evil was called good, and virtue crime. During this fearful test we did not seek for the rule of our actions in the law, but in our consciences: we obeyed God rather than men. Must we, under the legitimate government, be brought gack to these deplorable recollections? We shall still be the same men! Your law, be it well understood,

will be vain, for France is better that its government! Counsellors of the crown, what have you done hitherto? Who has raised you above your fellow-citizens that you assume a right to impose a tyranny upon them? Obscure and ordinary men like ourselves, you only surpass us in temerity! Such senseless audacity can only be met with in factions. Your law, therefore, denounces a faction in the government with as much certainty as if this faction had denounced itself. I shall not ask it what it is, whence it comes, or whither it is going, for it would tell me falsehoods! I judge this faction by its works! It now proposes to you to destroy the liberty of the press; last year it exhumed from the Middle Ages the right of primogeniture, and the year before it introduced sacrilege! It is thus retrogading. It matters not to me whether it be called counter-revolution or otherwise; it is going backward in religion and policy! It clings to fanaticism, to privilege, to ignorance, and to barbarism, or to the absurd domination which barbarism favors! The enterprise, however, will not be so easy to accomplish. In future not another line is to be printed in France! With all my heart! A brazen frontier shall preserve us from foreign contagion! Well and good! But for a long time discussion has existed in the world between good and evil, between the true and the false. It fills innumerable volumes, which have been read over and over, day and night, by an inquisitive generation. Whole libraries of books have passed into the minds of men. It is from thence you must banish them: have you a law ready for that purpose? So long as we shall not forget what we know, we shall be ill-disposed to brutishness and slavery. But the action of mind is not solely derived from books; springing from freedom of condition,

it exists in labor, in riches, and in leisure; while it is nourished by the assemblages of towns and the facility of communication. To enslave men it is necessary to disperse and to impoverish them, for misery is the safeguard of ignorance. Believe me, reduce the population, discard the men of industry from the soil, burn the manufactories, fill up the canals, plow up the highways. If you do not effect all this, you will have accomplished nothing; if the plow does not pass entirely over civilization, that which remains will be sufficient to baffle your efforts.

I cannot support the amendments of the committee, or indeed any amendments. The law is neither worthy nor susceptible of any. There is no arrangement to be made with the principle of tyranny by which it was dictated. I reject it purely and simply out of respect for humanity which it degrades, and for justice by which it is outraged.

BARON PLUNKET

WILLIAM CONYNGHAM PLUNKET, an eminent Irish jurist, orator, and politician, and for eleven years lord chancellor of Ireland, was the son of a Presbyterian minister and was born at Enniskillen, Ireland, July 1, 1764. He was educated at Trinity College, Dublin, and studied law at Lincoln's Inn, London. He was called to the Irish Bar in 1787, and in 1798 entered the Irish Parliament, where he opposed the union with Great Britain, and in 1803 was the prosecuting attorney in the trial of Robert Emmet for treason. From 1807 to 1822 he sat in the English House of Commons, where his voice was frequently heard in behalf of Catholic emancipation. Plunket was twice attorney-general of Ireland, and in 1827 he became chief-justice of the common pleas in Ireland and was raised to the peerage as Baron Plunket. He filled the post of lord chancellor of Ireland 1830–41, and died in his ninetieth year in County Wicklow, Ireland, Jan. 4, 1854. Plunket's fame rests mainly on his long-continued services in the interest of Catholic Emancipation, one of his ablest as well as most eloquent speeches being delivered in support of Burdett's Catholic Relief Bill in 1825. Plunket's oratory aimed to convince by close, logical reasoning rather than by appeals to the passions, while elevated thought, full and refined expression were especial characteristics of his speeches. His intellect was that of a jurist and great master of equity.

ON THE COMPETENCY OF THE IRISH PARLIAMENT TO PASS THE MEASURE OF UNION

SIR, I, in the most express terms, deny the competency of Parliament to do this act. I warn you, do not dare to lay your hand on the constitution. I tell you that if, circumstanced as you are, you pass this act, it will be a nullity, and that no man in Ireland will be bound to obey it. I make the assertion deliberately—I repeat it, and I call on any man who hears me to take down my words: you have not been elected for this purpose—you are appointed to make laws and not legislatures—you are appointed to act under the constitution, not to alter it—you are appointed to exercise the functions of legislators, and not to transfer them—and if you do so your act is a dissolution of the government, you

resolve society into its original elements, and no man in the land is bound to obey you.

Sir, I state doctrines which are not merely founded in the immutable laws of justice and of truth. I state not merely the opinions of the ablest men who have written on the science of government, but I state the practice of our constitution as settled at the era of the revolution, and I state the doctrine under which the house of Hanover derives its title to the throne. Has the king a right to transfer his crown? Is he competent to annex it to the crown of Spain or any other country? No; but he may abdicate it; and every man who knows the constitution knows the consequence,—the right reverts to the next in succession; if they all abdicate, it reverts to the people. The man who questions this doctrine, in the same breath must arraign the sovereign on the throne as a usurper. Are you competent to transfer your legislative rights to the French Council of Five Hundred? Are you competent to transfer them to the British Parliament? I answer, No. When you transfer you abdicate, and the great original trust results to the people from whom it issued. Yourselves you may extinguish, but Parliament you cannot extinguish—it is enthroned in the hearts of the people—it is enshrined in the sanctuary of the constitution—it is immortal as the island which it protects. As well might the frantic suicide hope that the act which destroys his miserable body should extinguish his eternal soul. Again, I therefore warn you, do not dare to lay your hands on the constitution; it is above your power.

Sir, I do not say that the Parliament and the people by mutual consent and co-operation, may not change the form of the constitution. Whenever such a case arises it must be decided on its own merits—but that is not this case. If gov-

ernment considers this a season peculiarly fitted for experiments on the constitution, they may call on the people.

I ask you, are you ready to do so? Are you ready to abide the event of such an appeal? What is it you must, in that event, submit to the people? Not this particular project, for if you dissolve the present form of government they become free to choose any other—you fling them to the fury of the tempest—you must call on them to unhouse themselves of the established constitution, and to fashion to themselves another. I ask again, is this the time for an experiment of that nature?

Thank God, the people have manifested no such wish—so far as they have spoken, their voice is decidedly against this daring innovation. You know that no voice has been uttered in its favor, and you cannot be infatuated enough to take confidence from the silence which prevails in some parts of the kingdom; if you know how to appreciate that silence it is more formidable than the most clamorous opposition—you may be rived and shivered by the lightning before you hear the peal of the thunder! But, sir, we are told that we should discuss this question with calmness and composure. I am called on to surrender my birthright and my honor, and I am told I should be calm and should be composed. National pride! Independence of our country!

These, we are told by the minister, are only vulgar topics fitted but for the meridian of the mob, but unworthy to be mentioned to such an enlightened assembly as this; they are trinkets and gewgaws fit to catch the fancy of childish and unthinking people like you, sir, or like your predecessor in that chair, but utterly unworthy the consideration of this House or of the matured understanding of the noble lord who condescends to instruct it!

Gracious God! We see a Perry reascending from the

tomb and raising his awful voice to warn us against the surrender of our freedom, and we see that the proud and virtuous feelings which warm the breast of that aged and venerable man are only calculated to excite the contempt of this young philosopher who has been transplanted from the nursery to the cabinet to outrage the feelings and understanding of the country.

DENUNCIATION OF THE MEN AND THE MEANS BY WHICH THE UNION WAS PERPETRATED

LET me again ask you, how was the rebellion of 1798 put down? By the zeal and loyalty of the gentlemen of Ireland rallying round—what? a reed shaken by the wind, a wretched apology for a minister who neither knew how to give or where to seek protection! No—but round the laws and constitution and independence of the country. What were the affections and motives that called us into action? To protect our families, our properties, and our liberties. What were the antipathies by which we were excited? Our abhorrence of French principles and French ambition. What was it to us that France was a republic? I rather rejoiced when I saw the ancient despotism of France put down. What was it to us that she dethroned her monarch?

I admired the virtues and wept for the sufferings of the man, but as a nation it affected us not. The reason I took up arms, and am ready still to bear them against France, is because she intruded herself upon our domestic concerns—because, with the rights of man and the love of freedom on her tongue, I see that she has the lust of dominion in her heart—because wherever she has placed her foot she has

erected her throne, and that to be her friend or her ally is to be her tributary or her slave.

Let me ask, is the present conduct of the British minister calculated to augment or to transfer that antipathy? No, sir, I will be bold to say that licentious and impious France, in all the unrestrained excesses which anarchy and atheism have given birth to, has not committed a more insidious act against her enemy than is now attempted by her professed champion of civilized Europe against a friend and an ally in the hour of her calamity and distress—at a moment when our country is filled with British troops—when the loyal men of Ireland are fatigued with their exertions to put down rebellion, efforts in which they had succeeded before these troops arrived—whilst our Habeas Corpus Act is suspended—whilst trials by court martial are carrying on in many parts of the kingdom—whilst the people are taught to think that they have no right to meet or to deliberate, and whilst the great body of them are so palsied by their fears and worn down by their exertion that even the vital question is scarcely able to rouse them from their lethargy—at the moment when we are distracted by domestic dissensions, dissensions artfully kept alive as the pretext for our present subjugation and the instrument of our future thraldom!

Sir, I thank the administration for this measure. They are, without intending it, putting an end to our dissensions; through this black cloud which they have collected over us, I see the light breaking in upon this unfortunate country. They have composed our dissensions—not by fomenting the embers of a lingering and subdued rebellion—not by hallooing the Protestant against the Catholic, and the Catholic against the Protestant—not by committing the North against the South—not by inconsistent appeals to local or to party

prejudices, no, but by the avowal of this atrocious conspiracy against the liberties of Ireland they have subdued every petty and subordinate distinction. They have united every rank and description of men by the pressure of this grand and momentous subject, and I tell them that they will see every honest and independent man in Ireland lly round her constitution and merge every other consideration in his opposition to this ungenerous and odious measure.

For my own part I will resist it to the last gasp of my existence and with the last drop of my blood, and when I feel the hour of my dissolution approaching I will, like the father of Hannibal, take my children to the altar and swear them to eternal hostility against the invaders of their country's freedom.

Sir, I shall not detain you by pursuing this question through the topics which it so abundantly offers. I should be proud to think my name might be handed down to posterity in the same roll with these disinterested patriots who have successfully resisted the enemies of their country—successfully I trust it will be—in all events I have my "exceeding great reward"—I shall bear in my heart the consciousness of having done my duty, and in the hour of death I shall not be haunted by the reflection of having basely sold or meanly abandoned the liberties of my native land. Can every man who gives his vote on the other side, this night lay his hand upon his heart and make the same declaration? I hope so—it will be well for his own peace—the indignation and abhorrence of his countrymen will not accompany him through life, and the curses of his children will not follow him to his grave.

WILLIAM PINKNEY

WILLIAM PINKNEY, an American lawyer, diplomatist, and statesman, was born at Annapolis, Md., March 17, 1764, and died at Washington, D. C., Feb. 25, 1822. His father was English by birth and remained loyal to his country in the American Revolution. The son, on the other hand, early sided with the opposite party. At the close of the American war he began the study of law at Baltimore, Md., in 1783, and three years later was admitted to the Bar. He was appointed a delegate to the Maryland convention that ratified the Federal Constitution, and having established himself in his profession in Harford Co., Md., represented that county in the State legislature, 1788–95, and for three years further was a member of the Maryland executive council. His acquaintance with admiralty law proved of value during the twelve years, 1796–1808, when he was United States commissioner in England. After a period of service as attorney-general of Maryland he was once more sent to England to act as minister extraordinary with Monroe, and remained there as minister resident, 1807–11. In the last-named year he was recalled, at his own request, by President Madison, and entered the senate of his native State, becoming at the close of 1811 Attorney-General of the United States. He favored the second war with England, and while serving in the American army as a volunteer was wounded at the battle of Bladensburg. In 1816, Pinkney was appointed by President Monroe United States minister to Russia and special envoy to Naples, remaining abroad for two years. On his return to America, and while in the Senate of the United States from 1820–22 he took a prominent part in the discussion on the admission of Missouri into the Union. Pinkney was a lawyer of much ability, a skillful diplomatist, and a useful member of the United States Senate.

SPEECH FOR THE RELIEF OF THE OPPRESSED SLAVES

[This speech was delivered in the Assembly of Maryland at their session in 1788, when the report of a committee of the House, favorable to a petition for the relief of the oppressed slaves, was under consideration.]

MR. SPEAKER,—Before I proceed to deliver my sentiments on the subject-matter of the report under consideration, I must entreat the members of this House to hear me with patience, and not to condemn what I may happen to advance in support of the opinion I have formed, until they shall have heard me out. I am conscious, sir, that upon this occasion I have long-established principles to combat and deep-rooted prejudices to defeat; that I have

fears and apprehensions to silence, which the acts of former legislatures have sanctioned, and that (what is equivalent to a host of difficulties) the popular impressions are against me.

But if I am honored with the same indulgent attention which the House has been pleased to afford me on past subjects of deliberation I do not despair of surmounting all these obstacles in the common cause of justice, humanity, and policy. The report appears to me to have two objects in view: to annihilate the existing restraints on the voluntary emancipation of slaves, and to relieve a particular offspring from the punishment, heretofore inflicted on them, for the mere transgression of their parents. To the whole report, separately and collectively, my hearty assent, my cordial assistance, shall be given.

It was the policy of this country, sir, from an early period of colonization, down to the Revolution, to encourage an importation of slaves for purposes which (if conjecture may be indulged) had been far better answered without their assistance. That this inhuman policy was a disgrace to the colony, a dishonor to the legislature, and a scandal to human nature, we need not, at this enlightened period, labor to prove.

The generous mind, that has adequate ideas of the inherent rights of mankind and knows the value of them, must feel its indignation rise against the shameful traffic that introduces slavery into a country, which seems to have been designed by Providence as an asylum for those whom the arm of power had persecuted and not as a nursery for wretches stripped of every privilege which Heaven intended for its rational creatures, and reduced to a level with — nay, become themselves — the mere goods and chattels of their masters.

Sir, by the eternal principles of natural justice, no master

in the State has a right to hold his slave in bondage for a single hour; but the law of the land, which (however oppressive and unjust, however inconsistent with the great groundwork of the late Revolution and our present frame of government) we cannot in prudence or from a regard to individual rights abolish, has authorized a slavery as bad or perhaps worse than the most absolute, unconditional servitude that ever England knew in the early ages of its empire, under the tyrannical policy of the Danes, the feudal tenures of the Saxons, or the pure villanage of the Normans.

But, Mr. Speaker, because a respect for the peace and safety of the community, and the already injured rights of individuals, forbids a compulsory liberation of these unfortunate creatures, shall we unnecessarily refine upon this gloomy system of bondage and prevent the owner of a slave from manumitting him at the only probable period when the warm feelings of benevolence and the gentle workings of commiseration dispose him to the generous deed?

Sir, the natural character of Maryland is sufficiently sullied and dishonored by barely tolerating slavery; but when it is found that your laws give every possible encouragement to its continuance to the latest generations, and are ingenious to prevent even its slow and gradual decline, how is the dye of the imputation deepened? It may even be thought that our late glorious struggle for liberty did not originate in principle, but took its rise from popular caprice, the rage of faction, or the intemperance of party.

Let it be remembered, Mr. Speaker, that even in the days of feudal barbarity, when the minds of men were unexpanded by that liberality of sentiment which springs from civilization and refinement, such was the antipathy in England against private bondage that, so far from being studious to stop the

progress of emancipation, the courts of law (aided by legislative connivance) were inventive to liberate by construction. If, for example, a man brought an action against his villain, it was presumed that he designed to manumit him; and although perhaps this presumption was, in ninety-nine instances out of a hundred, contrary to the fact, yet upon this ground alone were bondmen adjudged to be free.

Sir, I sincerely wish it were in my power to impart my feelings upon this subject to those who hear me; they would then acknowledge that while the owner was protected in the property of his slave he might, at the same time, be allowed to relinquish that property to the unhappy subject whenever he should be so inclined. They would then feel that denying this privilege was repugnant to every principle of humanity — an everlasting stigma on our government — an act of unequalled barbarity, without a color of policy or a pretext of necessity to justify it.

Sir, let gentlemen put it home to themselves, that after Providence has crowned our exertions in the cause of general freedom with success, and led us on to independence through a myriad of dangers and in defiance of obstacles crowding thick upon each other, we should not so soon forget the principles upon which we fled to arms and lose all sense of that interposition of Heaven by which alone we could have been saved from the grasp of arbitrary power. We may talk of liberty in our public councils and fancy that we feel reverence for her dictates. We may declaim, with all the vehemence of animated rhetoric, against oppression, and flatter ourselves that we detest the ugly monster, but so long as we continue to cherish the poisonous weed of partial slavery among us the world will doubt our sincerity. In the name of Heaven, with what face can we call ourselves the friends

of equal freedom and the inherent rights of our species when we wantonly pass laws inimical to each; when we reject every opportunity of destroying, by silent, imperceptible degrees, the horrid fabric of individual bondage, reared by the mercenary hands of those from whom the sacred flame of liberty received no devotion?

Sir, it is pitiable to reflect to what wild inconsistencies, to what opposite extremes we are hurried by the frailty of our nature. Long have I been convinced that no generous sentiment of which the human heart is capable, no elevated passion of the soul that dignifies mankind, can obtain a uniform and perfect dominion: to-day we may be aroused as one man, by a wonderful and unaccountable sympathy, against the lawless invader of the rights of his fellow creatures: to-morrow we may be guilty of the same oppression which we reprobated and resisted in another.

Is it, Mr. Speaker, because the complexion of these devoted victims is not quite so delicate as ours; is it because their untutored minds (humbled and debased by the hereditary yoke) appear less active and capricious than our own; or is it because we have been so habituated to their situation as to become callous to the horrors of it that we are determined, whether politic or not, to keep them, till time shall be no more, on a level with the brutes. For "nothing," says Montesquieu, "so much assimilates a man to a brute as living among freemen, himself a slave." Call not Maryland a land of liberty; do not pretend that she has chosen this country as an asylum, that here she has erected her temple and consecrated her shrine, when here, also, her unhallowed enemy holds his hellish pandemonium and our rulers offer sacrifice at his polluted altar. The lily and the bramble may grow in social proximity, but liberty and slavery delight in separation.

Sir, let us figure to ourselves, for a moment, one of these unhappy victims, more informed than the rest, pleading, at the bar of this House, the cause of himself and his fellow sufferers; what would be the language of this orator of nature? Thus my imagination tells me he would address us:

"We belong, by the policy of the country, to our masters, and submit to our rigorous destiny; we do not ask you to divest them of their property because we are conscious you have not the power; we do not entreat you to compel an emancipation of us or our posterity, because justice to your fellow citizens forbids it; we only supplicate you not to arrest the gentle arm of humanity when it may be stretched forth in our behalf; nor to wage hostilities against that moral or religious conviction which may at any time incline our masters to give freedom to us or our unoffending offspring; not to interpose legislative obstacles to the course of voluntary manumission.

"Thus shall you neither violate the rights of your people nor endanger the quiet of the community while you vindicate your public councils from the imputation of cruelty and the stigma of causeless, unprovoked oppression. We have never," would he argue, "rebelled against our masters; we have never thrown your government into a ferment by struggles to regain the independence of our fathers. We have yielded our necks submissive to the yoke, and, without a murmur, acquiesced in the privation of our native rights. We conjure you, then, in the name of the common parent of mankind, reward us not, for this long and patient acquiescence, by shutting up the main avenues to our liberation, by withholding from us the poor privilege of benefiting by the kind indulgence, the generous intentions of our superiors."

What could we answer to arguments like these? Silent

and peremptory, we might reject the application; but no words could justify the deed.

In vain should we resort to apologies grounded on the fallacious suggestions of a cautious and timid policy. I would as soon believe the incoherent tale of a schoolboy who should tell me he had been frightened by a ghost as that the grant of this permission ought in any degree to alarm us. Are we apprehensive that these men will become more dangerous by becoming free? Are we alarmed lest, by being admitted to the enjoyment of civil rights, they will be inspired with a deadly enmity against the rights of others? Strange, unaccountable paradox! How much more rational would it be to argue that the natural enemy of the privileges of freemen is he who is robbed of them himself! In him the foul demon of jealousy converts the sense of his own debasement into a rancorous hatred for the more auspicious fate of others; while from him whom you have raised from the degrading situation of a slave, whom you have restored to that rank in the order of the universe which the malignity of his fortune prevented him from attaining before, from such a man (unless his soul be ten thousand times blacker than his complexion) you may reasonably hope for all the happy effects of the warmest gratitude and love.

Sir, let us not limit our views to the short period of a life in being; let us extend them along the continuous line of endless generations yet to come. How will the millions that now teem in the womb of futurity, and whom your present laws would doom to the curse of perpetual bondage, feel the inspiration of gratitude to those whose sacred love of liberty shall have opened the door to their admission within the pale of freedom! Dishonorable to the species is the idea that they would ever prove injurious to our interests. Released from the shackles of slavery by the justice of government and the

bounty of individuals, the want of fidelity and attachment would be next to impossible.

Sir, when we talk of policy, it would be well for us to reflect whether pride is not at the bottom of it; whether we do not feel our vanity and self-consequence wounded at the idea of a dusky African participating equally with ourselves in the rights of human nature, and rising to a level with us from the lowest point of degradation. Prejudices of this kind, sir, are often so powerful as to persuade us that whatever countervails them is the extremity of folly, and that the peculiar path of wisdom is that which leads to their gratification.

But it is for us to be superior to the influence of such ungenerous motives; it is for us to reflect that whatever the complexion, however ignoble the ancestry or uncultivated the mind, one universal Father gave being to them and us; and, with that being, conferred the inalienable rights of the species. But I have heard it argued that if you permit a master to manumit his slaves by his last will and testament, as soon as they discover he has done so they will destroy him, to prevent a revocation. Never was a weaker defence attempted, to justify the severity of persecution; never did a bigoted inquisition condemn a heretic to torture and to death upon grounds less adequate to justify the horrid sentence. Sir, is it not obvious that the argument applies equally against all devices whatsoever, for any person's benefit? For, if an advantageous bequest is made, even to a white man, has he not the same temptation to cut short the life of his benefactor, to secure and accelerate the enjoyment of the benefit?

As the universality of this argument renders it completely nugatory, so is its cruelty palpable by its being more applicable to other instances, to which it has never been applied at all, than to the case under consideration.

HARRISON GRAY OTIS

HARRISON GRAY OTIS, American senator, jurist, and orator, nephew of James Otis, was born at Boston, Mass., Oct. 8, 1765, and died there, Oct. 28, 1848. He graduated at Harvard with high honors in 1783, studied law, and was admitted to the Bar in 1786. He soon distinguished himself in his profession, his polished manners and his eloquent oratory contributing largely to his success. From 1797 to 1801 he was a prominent Federalist member of Congress. He filled several official posts of importance in his native State, and, returning to Congress in 1817, sat for nearly five years (1817–22) in the Senate. In 1814, he took a conspicuous part in the Hartford Convention, a circumstance which led to his defeat when he became a candidate for the office of first mayor of Boston, though he was chosen mayor in 1829. His most famous speeches were his eulogy upon Hamilton, delivered in 1804, and his argument in the United States Senate on the admission of Missouri to the Union in 1820. His published writings comprise "Letters in Defence of the Hartford Convention," 1824, and "Orations and Addresses."

EULOGY ON ALEXANDER HAMILTON

PRONOUNCED AT THE REQUEST OF THE CITIZENS OF BOSTON, JULY 26, 1804

WE ARE convened, afflicted fellow citizens, to perform the only duties which our republics acknowledge or fulfil to their illustrious dead: to present to departed excellence an oblation of gratitude and respect, to inscribe its virtues on the urn which contains its ashes, and to consecrate its example by the tears and sympathy of an affectionate people.

Must we, then, realize that Hamilton is no more! Must the sod, not yet cemented on the tomb of Washington, still moist with our tears, be so soon disturbed to admit the beloved companion of Washington, the partner of his dangers, the object of his confidence, the disciple who leaned upon his bosom!

Insatiable Death! Will not the heroes and statesmen whom mad ambition has sent from the crimsoned fields of Europe suffice to people thy dreary dominions! Thy dismal avenues have been thronged with princely martyrs and illustrious victims. Crowns and sceptres, the spoils of royalty, are among thy recent trophies, and the blood of innocence and valor has flowed in torrents at thy inexorable command. Such have been thy ravages in the Old World. And in our infant country how small was the remnant of our revolutionary heroes which had been spared from thy fatal grasp! Could not our Warren, our Montgomery, our Mercer, our Greene, our Washington appease thy vengeance for a few short years! Shall none of our early patriots be permitted to behold the perfection of their own work in the stability of our government and the maturity of our institutions! Or hast thou predetermined, dread King of Terrors! to blast the world's best hope, and, by depriving us of all the conductors of our glorious Revolution, compel us to bury our liberties in their tombs!

O Hamilton! great would be the relief of my mind were I permitted to exchange the arduous duty of attempting to portray the varied excellence of thy character for the privilege of venting the deep and unavailing sorrow which swells my bosom at the remembrance of the gentleness of thy nature, of thy splendid talents and placid virtues! But, my respected friends, an indulgence of these feelings would be inconsistent with that deliberate recital of the services and qualities of this great man which is required by impartial justice and your expectations.

In governments which recognize the distinctions of splendid birth and titles, the details of illustrious lineage and connections become interesting to those who are accustomed to value those advantages. But in the man whose loss we

deplore, the interval between manhood and death was so uniformly filled by a display of the energies of his mighty mind that the world has scarcely paused to inquire into the story of his infant or puerile years. He was a planet the dawn of which was not perceived; which rose with full splendor, and emitted a constant stream of glorious light until the hour of its sudden and portentous eclipse.

At the age of eighteen, while cultivating his mind at Columbia College, he was roused from the leisure and delights of scientific groves by the din of war. He entered the American army as an officer of artillery, and at that early period familiarized himself to wield both his sword and his pen in the service of his country. He developed at once the qualities which command precedency, and the modesty which conceals its pretensions. Frank, affable, intelligent, and brave, young Hamilton became the favorite of his fellow soldiers. His intuitive perception and correct judgment rendered him a rapid proficient in military science, and his merit silenced the envy which it excited.

A most honorable distinction now awaited him. He attracted the attention of the commander-in-chief, who appointed him an aid and honored him with his confidence and friendship. This domestic relation afforded to both, frequent means of comparing their opinions upon the policy and destinies of our country, upon the sources of its future prosperity and grandeur, upon the imperfection of its existing establishments; and to digest those principles which, in happier times might be interwoven into a more perfect model of government. Hence, probably, originated that filial veneration for Washington and adherence to his maxims which were ever conspicuous in the deportment of Hamilton; and hence the exalted esteem and predilection uniformly dis-

played by the magnanimous patron to the faithful and affectionate pupil.

While the disasters of the American army, and the perseverance of the British ministry presented the gloomy prospect of protracted warfare, young Hamilton appeared to be content in his station and with the opportunities which he had of fighting by the side and executing the orders of his beloved chief. But the investment of the army of Cornwallis suddenly changed the aspect of affairs and rendered it probable that this campaign, if successful, would be the most brilliant and decisive of any that was likely to occur. It now appeared that his heart had long panted for an occasion to signalize his intrepidity and devotion to the service of his country.

He obtained, by earnest entreaties, the command of a detachment destined to storm the works of Yorktown. It is well known with what undaunted courage he pressed on to the assault, with unloaded arms presented his bosom to the dangers of the bayonet, carried the fort, and thus eminently contributed to decide the fate of the battle and of his country. But even here the impetuosity of the youthful conqueror was restrained by the clemency of the benevolent man: the butchery of the American garrison at New London would have justified and seemed to demand an exercise of the rigors of retaliation. This was strongly intimated to Colonel Hamilton, but we find in his report to his commanding officer, in his own words, that, "incapable of imitating examples of barbarity, and forgetting recent provocations, he spared every man who ceased to resist."

Having soon afterward terminated his military career, he returned to New York and qualified himself to commence practice as a counsellor at law. But the duties and emoluments of

his profession were not then permitted to stifle his solicitude to give a correct tone to public opinion by the propagation of principles worthy of adoption by a people who had just undertaken to govern themselves. He found the minds of men chafed and irritated by the recollection of their recent sufferings and dangers. The city of New York, so long a garrison, presented scenes and incidents which naturally aggravated these dispositions, and too many were inclined to fan the flame of discord and mar the enjoyment and advantages of peace by fomenting the animosities engendered by the collisions of war.

To soothe these angry passions; to heal these wounds; to demonstrate the folly and inexpediency of scattering the bitter tares of national prejudice and private rancor among the seeds of public prosperity, were objects worthy of the heart and head of Hamilton. To these he applied himself, and by a luminous pamphlet assuaged the public resentment against those whose sentiments had led them to oppose the Revolution; and thus preserved from exile many valuable citizens who have supported the laws and increased the opulence of their native state.

From this period he appears to have devoted himself principally to professional occupations, which were multiplied by his increasing celebrity, until he became a member of the convention which met at Annapolis merely for the purpose of devising a mode of levying and collecting a general impost. Although the object of this convention was thus limited, yet so manifold, in his view, were the defects of the old confederation, that a reform in one particular would be ineffectual; he therefore first suggested the proposal of attempting a radical change in its principles; and the address to the people of the United States, recommending a general convention

with more extensive powers, which was adopted by that assembly, was the work of his pen.

To the second convention, which framed the constitution, he was also deputed as a delegate from the State of New York.

In that assemblage of the brightest jewels of America the genius of Hamilton sparkled with pre-eminent lustre. The best of our orators were improved by the example of his eloquence. The most experienced of our statesmen were instructed by the solidity of his sentiments, and all were convinced of the utility and extent of his agency in framing the constitution.

When the instrument was presented to the people for their ratification, the obstacles incident to every attempt to combine the interests, views, and opinions of the various States threatened, in some of them, to frustrate the hopes and exertions of its friends. The fears of the timid, the jealousies of the ignorant, the arts of the designing, and the sincere conviction of the superficial, were arrayed into a formidable alliance in opposition to the system. But the magic pen of Hamilton dissolved this league. Animated by the magnitude of his object, he enriched the daily papers with the researches of a mind teeming with political information. In these rapid essays, written amid the avocations of business and under the pressure of the occasion, it would be natural to expect that much would require revision and correction. But in the mind of Hamilton nothing was superficial but resentment of injuries; nothing fugitive but those transient emotions which sometimes lead virtue astray. These productions of his pen are now considered as a standard commentary upon the nature of our government; and he lived to hear them quoted by his friends and adversaries, as high authority, in the tribunals of justice and in the legislature of the nation.

When the constitution was adopted, and Washington was called to the presidency by his grateful country, our departed friend was appointed to the charge of the treasury department, and of consequence became a confidential member of the administration. In this new sphere of action he displayed a ductility and extent of genius, a fertility in expedients, a faculty of arrangement, an industry in application to business, and a promptitude in despatch, but, beyond all, a purity of public virtue and disinterestedness, which are too mighty for the grasp of my feeble powers of description.

Indeed, the public character of Hamilton and his measures from this period are so intimately connected with the history of our country that it is impossible to do justice to one without devoting a volume to the other. The treasury of the United States, at the time of his entrance upon the duties of his office, was literally a creature of the imagination and existed only in name, unless folios of unsettled balances and bundles of reproachful claims were deserving the name of a treasury.

Money there was none; and of public credit scarcely a shadow remained. No national system for raising and collecting a revenue had been attempted, and no estimate could be formed, from the experiments of the different States, of the probable result of any project of deriving it from commerce. The national debt was not only unpaid, but its amount was a subject of uncertainty and conjecture. Such was the chaos from which the secretary was called upon to elicit the elements of a regular system adequate to the immediate exigencies of a new and expensive establishment, and to an honorable provision for the public debt. His arduous duty was not to reform abuses, but to create resources; not to improve upon precedent, but to invent a model. In an ocean

of experiment he had neither chart nor compass but those of his own invention. Yet such was the comprehensive vigor of his mind that his original projects possessed the hardihood of settled regulations. His sketches were little short of the perfection of finished pictures. In the first session of Congress he produced a plan for the organization of the treasury department and for the collection of a national revenue; and in the second, a report of a system for funding the national debt. Great objections were urged against the expediency of the principles assumed by him for the basis of his system; but no doubt remained of their effect. A dormant capital was revived, and with it commerce and agriculture awoke as from the sleep of death. By the enchantment of this "mighty magician" the beauteous fabric of public credit rose in full majesty upon the ruins of the old confederation; and men gazed with astonishment upon a youthful prodigy who at the age of thirty-three, having already been the ornament of the camp, the forum, and the senate, was now suddenly transformed into an accomplished financier and a self-taught adept, not only in the general principles, but the intricate details, of his new department.

It is not wonderful that such resplendent powers of doing right should have exposed him to the suspicion of doing wrong. He was suspected and accused. His political adversaries were his judges. Their investigation of his conduct and honorable acquittal added new lustre to his fame and confirmed the national sentiment that in his public character he was indeed "a man without fear and without reproach."

To his exertions in this department we are indebted for many important institutions. Among others, the plan of redeeming the public debt, and of a national bank to facilitate the operations of government, were matured and adopted

under his auspices; and so complete were his arrangements that his successors, though men of undoubted talents, and one of them a political opponent, have found nothing susceptible of material improvement.

But the obligations of his country during this period were not confined to his merits as a financier.

The flame of insurrection was kindled in the western counties of Pennsylvania, and raged with such violence that large detachments of military force were marched to the scene of the disturbance, and the presence of the great Washington was judged necessary to quell the increasing spirit of revolt. He ordered the secretary to quit the duties of his department and attend him on the expedition. His versatile powers were immediately and efficaciously applied to restore the authority of the laws. The principal burden of the important civil and military arrangements requisite for this purpose devolved upon his shoulders. It was owing to his humanity that the leaders of this rebellion escaped exemplary punishment: and the successful issue was, in public and unqualified terms, ascribed to him by those whose political relations would not have prompted them to pay him the homage of unmerited praise.

He was highly instrumental in preserving our peace and neutrality, and saving us from the ruin which has befallen the republics of the Old World. Upon this topic I am desirous of avoiding every intimation which might prove offensive to individuals of any party. God forbid that the sacred sorrow in which we all unite should be disturbed by the mixture of any unkindly emotions! I would merely do justice to this honored shade without arraigning the motives of those who disapproved and opposed his measures.

The dangers which menaced our infant government at the

commencement of the French revolution are no longer a subject of controversy. The principles professed by the first leaders of that revolution were so congenial to those of the American people; their pretences of aiming merely at the reformation of abuses were so plausible; the spectacle of a great people struggling to recover their "long-lost liberties" was so imposing and august; while that of a combination of tyrants to conquer and subjugate was so revolting; the services, received from one of the belligerent powers, and the injuries inflicted by the other, were so recent in our minds,—that the sensibility of the nation was excited to the most exquisite pitch.

To this disposition, so favorable to the wishes of France, every appeal was made which intrigue, corruption, flattery, and threats could dictate. At this dangerous and dazzling crisis there were but few men entirely exempt from the general delirium.

Among that few was Hamilton. His penetrating eye discerned, and his prophetic voice foretold, the tendency and consequence of the first revolutionary movements. He was assured that every people which should espouse the cause of France would pass under her yoke, and that the people of France, like every nation which surrenders its reason to the mercy of demagogues, would be driven by the storms of anarchy upon the shores of despotism. All this he knew was conformable to the invariable law of nature and experience of mankind. From the reach of this desolation he was anxious to save his country, and in the pursuit of his purpose he breasted the assaults of calumny and prejudice. "The torrent roared, and he did buffet it."

Appreciating the advantages of a neutral position, he co-operated with Washington, Adams, and the other patriots of that day in the means best adapted to maintain it. The

rights and duties of neutrality, proclaimed by the President, were explained and enforced by Hamilton in the character of Pacificus. The attempts to corrupt and intimidate were resisted. The British treaty was justified and defended as an honorable compact with our natural friends, and pregnant with advantages which have since been realized and acknowledged by its opponents.

By this pacific and vigorous policy, in the whole course of which the genius and activity of Hamilton were conspicuous, time and information were afforded to the American nation, and correct views were acquired of our situation and interests. We beheld the republics of Europe march in procession to the funeral of their own liberties by the lurid light of the revolutionary torch. The tumult of the passions subsided, the wisdom of the administration was perceived, and America now remains a solitary monument in the desolated plains of liberty.

Having remained at the head of the treasury several years and filled its coffers, having developed the sources of an ample revenue and tested the advantages of his own system by his own experience, and having expended his private fortune, he found it necessary to retire from public employment and to devote his attention to the claims of a large and dear family. What brighter instance of disinterested honor has ever been exhibited to an admiring world!

That a man upon whom devolved the task of originating a system of revenue for a nation; of devising the checks in his own department; of providing for the collection of sums the amount of which was conjectural; that a man who anticipated the effects of a funding system yet a secret in his own bosom, and who was thus enabled to have secured a princely fortune consistently with principles esteemed fair by the world; that such a man, by no means addicted to an expensive or extrava-

gant style of living, should have retired from office destitute of means adequate to the wants of mediocrity, and have resorted to professional labor for the means of decent support, are facts which must instruct and astonish those who, in countries habituated to corruption and venality, are more attentive to the gains than to the duties of official station. Yet Hamilton was that man. It was a fact, always known to his friends, and it is now evident from his testament, made under a deep presentiment of his approaching fate. Blush, then, ministers and warriors of imperial France, who have deluded your nation by pretensions to a disinterested regard for its liberties and rights! Disgorge the riches extorted from your fellow citizens and the spoils amassed from confiscation and blood! Restore to impoverished nations the price paid by them for the privilege of slavery and now appropriated to the refinements of luxury and corruption! Approach the tomb of Hamilton and compare the insignificance of your gorgeous palaces with the awful majesty of this tenement of clay!

We again accompany our friend in the walks of private life and in the assiduous pursuit of his profession until the aggressions of France compelled the nation to assume the attitude of defence. He was now invited by the great and enlightened statesman who had succeeded to the Presidency, and at the express request of the commander-in-chief, to accept of the second rank in the army. Though no man had manifested a greater desire to avoid war, yet it is freely confessed that when war appeared to be inevitable his heart exulted in " the tented field " and he loved the life and occupation of a soldier. His early habits were formed amid the fascinations of the camp. And though the pacific policy of Adams once more rescued us from war and shortened the existence of the army establishment, yet its duration was sufficient to secure to him the love

and confidence of officers and men, to enable him to display the talents and qualities of a great general, and to justify the most favorable prognostics of his prowess in the field.

Once more this excellent man unloosed the helmet from his brow and returned to the duties of the forum. From this time he persisted in a firm resolution to decline all civil honors and promotion and to live a private citizen unless again summoned to the defence of his country. He became more than ever assiduous in his practice at the bar, and intent upon his plans of domestic happiness, until a nice and mistaken estimate of the claims of honor impelled him to the fatal act which terminated his life.

While it is far from my intention to draw a veil over this last great error, or in the least measure to justify a practice which threatens in its progress to destroy the liberty of speech and of opinion, it is but justice to the deceased to state the circumstances which should palliate the resentment that may be excited in some good minds toward his memory. From the last sad memorial which we possess from his hand, and in which, if our tears permit, we may trace the sad presage of the impending catastrophe, it appears that his religious principles were at variance with the practice of duelling, and that he could not reconcile his benevolent heart to shed the blood of an adversary in private combat, even in his own defence. It was, then, from public motives that he committed this great mistake. It was for the benefit of his country that he erroneously conceived himself obliged to make the painful sacrifice of his principles and to expose his life. The sober judgment of the man was confounded and misdirected by the jealous honor of the soldier; and he evidently adverted to the possibility of events that might render indispensable the esteem and confidence of soldiers as well as of citizens.

But while religion mourns for this aberration of the judgment of a great man, she derives some consolation from his testimony in her favor. If she rejects the apology, she admits the repentance; and if the good example be not an atonement, it may be an antidote for the bad. Let us, then, in an age of infidelity, join, in imagination, the desolate group of wife and children and friends who surrounded the dying bed of the inquisitive, the luminous, the scientific Hamilton, and witness his attestation to the truth and comforts of our holy religion. Let us behold the lofty warrior bow his head before the cross of the meek and lowly Jesus; and he who had so lately graced the sumptuous tables and society of the luxurious and rich, now, regardless of these meaner pleasures, aspiring to be admitted to a sublime enjoyment with which no worldly joys can compare,—to a devout and humble participation of the Bread of Life. The religious fervor of his last moments was not an impulse of decaying nature yielding to its fears, but the result of a firm conviction of the truths of the gospel. I am well informed that in early life the evidences of the Christian religion had attracted his serious examination and obtained his deliberate assent to their truth, and that he daily, upon his knees, devoted a portion of time to a compliance with one of its most important injunctions: and that, however these edifying propensities might have yielded occasionally to the business and temptations of life, they always resumed their influence and would probably have prompted him to a public profession of his faith in his Redeemer.

Such was the untimely fate of Alexander Hamilton, whose character warrants the apprehension that, "take him for all in all, we ne'er shall look upon his like again."

Nature, even in the partial distribution of her favors, generally limits the attainments of great men within distinct and

particular spheres of eminence. But he was the darling of nature and privileged beyond the rest of her favorites. His mind caught at a glance that perfect comprehension of a subject for which others are indebted to patient labor and investigation. In whatever department he was called to act he discovered an intuitive knowledge of its duties which gave him an immediate ascendency over those who had made them the study of their lives; so that, after running through the circle of office as a soldier, statesman, and financier, no question remained for which he had been qualified, but only in which he had evinced the most superlative merit. He did not dissemble his attachment to a military life, nor his consciousness of possessing talents for command; yet no man more strenuously advocated the rights of the civil over the military power, nor more cheerfully abdicated command and returned to the rank of the citizen when his country could dispense with the necessity of an army.

In his private profession, at a bar abounding with men of learning and experience, he was without a rival. He arranged, with the happiest facility, the materials collected in the vast storehouse of his memory, surveyed his subject under all its aspects, and enforced his arguments with such powers of reasoning that nothing was wanting to produce conviction and generally to ensure success. His eloquence combined the nervousness and copious elegance of the Greek and Roman schools and gave him the choice of his clients and his business. These wonderful powers were accompanied by a natural politeness and winning condescension which forestalled the envy of his brethren. Their hearts were gained before their pride was alarmed; and they united in their approbation of a pre-eminence which reflected honor on their fraternity.

From such talents, adorned by incorruptible honesty and

boundless generosity, an immense personal influence over his political and private friends was inseparable; and by those who did not know him, and who saw the use to which ambition might apply it, he was sometimes suspected of views unpropitious to the nature of our government. The charge was inconsistent with the exertions he had made to render that government, in its present form, worthy of the attachment and support of the people, and his voluntary relinquishment of the means of ambition, the purse-strings of the nation. He was, indeed, ambitious, but not of power; he was ambitious only to convince the world of the spotless integrity of his administration and character. This was the key to the finest sensibilities of his heart. He shrunk from the imputation of misconduct in public life: and if his judgment ever misled him, it was only when warped by an excessive eagerness to vindicate himself at the expense of his discretion. To calumny in every other shape he opposed the defence of dignified silence and contempt.

Had such a character been exempt from foibles and frailties it would not have been human. Yet so small was the catalogue of these that they would have escaped observation but for the unparalleled frankness of his nature, which prompted him to confess them to the world. He did not consider greatness as an authority for habitual vice; and he repented with such contrition of casual error that none remained offended but those who never had a right to complain. The virtues of his private and domestic character comprised whatever conciliates affection and begets respect. To envy he was a stranger, and of merit and talents the unaffected eulogist and admirer. The charms of his conversation, the brilliance of his wit, his regard to decorum, his ineffable good humor, which led him down from the highest range of intellect to the level

of colloquial pleasantry, will never be forgotten, perhaps never equalled.

To observe that such a man was dear to his family would be superfluous. To describe how dear, impossible. Of this we might obtain some adequate conception could we look into the retreat which he had chosen for the solace of his future years; which, enlivened by his presence, was so lately the mansion of cheerfulness and content; but now, alas! of lamentation and woe!

> "For him no more the blazing hearth shall burn,
> Or tender consort wait with anxious care;
> No children run to lisp their sire's return,
> Or climb his knees, the envied kiss to share."

With his eye upon the eternal world, this dying hero had been careful to prepare a testament almost for the sole purpose of bequeathing to his orphans the rich legacy of his principles; and having exhibited, in his last hours, to this little band the manner in which a Christian should die, he drops, in his flight to heaven, a summary of the principles by which a man of honor should live.

The universal sorrow manifested in every part of the Union upon the melancholy exit of this great man is an unequivocal testimonial of the public opinion of his worth. The place of his residence is overspread with a gloom which bespeaks the presence of a public calamity, and the prejudices of party are absorbed in the overflowing tide of national grief.

It is indeed a subject of consolation that diversity of political opinions has not yet extinguished the sentiment of public gratitude. There is yet a hope that events like these, which bring home to our bosoms the sensation of a common loss, may yet remind us of our common interest and of the times when with one accord we joined in the homage of respect to our living as well as to our deceased worthies.

Should those days once more return, when the people of America, united as they once were united, shall make merit the measure of their approbation and confidence, we may hope for a constant succession of patriots and heroes. But should our country be rent by factions, and the merit of the man be estimated by the zeal of the partizan, irreparable will be the loss of those few men who, having once been esteemed by all, might again have acquired the confidence of all and saved their country in an hour of peril by their talents and virtues.

> "So stream the sorrows that embalm the brave;
> The tears which virtue sheds on glory's grave."

SIR JAMES MACKINTOSH

SIR JAMES MACKINTOSH, Scottish philosopher, statesman, historian, and publicist, was born at Aldourie, near Inverness, Scotland, Oct. 24, 1765, and died at London, May 30, 1832. After graduating at King's College, Aberdeen, he studied both medicine and law at Edinburgh, and for a time practiced the latter, gaining a high reputation at the London Bar for his eloquent defence of the French refugee, Peltier, who, at the instance of the French government, was in 1803 tried for libelling the First Consul (see appended Speech). In the following year he was knighted and given the post of recorder at Bombay, with a judgeship in the vice-admiralty court in India, returning to England in 1812. He then entered Parliament, in the interest of the Whig party, but while there did not add greatly to his reputation, and in 1818 he became professor of law and general politics in the East India Company's College at Haileybury. Here he interested himself as an historian of the Revolution in England, and as a writer on the "Progress of Ethical Philosophy." He also wrote a work designed as a reply to Burke's condemnation of the French Revolution, entitled "Vindiciæ Gallicæ," one of the three works of his which may be said to have permanent value. He was lacking in genius, though cultured and dispassionate as a writer, while as an orator his eloquence is diffuse rather than brilliant. In 1830, he was appointed commissioner for the affairs of India under the Whig administration of that era, but died two years later.

ON THE TRIAL OF JEAN PELTIER

[In 1802 Mr. Peltier founded a French newspaper in London, called "L'Ambigu," and put on the frontispiece the figure of a sphinx (emblematic of mystery), with a head which strikingly resembled that of Bonaparte, wearing a crown. Its pages were filled with instances of the despotism of the First Consul, some violent and some ridiculous, and it was characterized, on the whole, by great bitterness, while one of the numbers directly hinted at the assassination of Bonaparte.

These things gave so much annoyance to Bonaparte that he actually demanded that the English government send Peltier out of the kingdom; and when this was refused he insisted, as France was then at peace with England, that Mr. Peltier should be prosecuted by the English attorney-general for "a libel on a friendly government!" upon which subject the laws of England were strict even to severity.]

GENTLEMEN OF THE JURY,— The time is now come for me to address you in behalf of the unfortunate gentleman who is the defendant on this record.

I must begin with observing that though I know myself too well to ascribe to anything but to the kindness and good nature of my learned friend, the Attorney General, the unmerited praises which he has been pleased to bestow on me, yet, I will venture to say, he has done me no more than justice in supposing that in this place and on this occasion, where I exercise the functions of an inferior minister of justice,—an inferior minister, indeed, but a minister of justice still,—I am incapable of lending myself to the passions of any client, and that I will not make the proceedings of this court subservient to any political purpose. Whatever is respected by the laws and government of my country shall in this place be respected by me. In considering matters that deeply interest the quiet, the safety, and the liberty of all mankind, it is impossible for me not to feel warmly and strongly; but I shall make an effort to control my feelings, however painful that effort may be, and where I cannot speak out but at the risk of offending either sincerity or prudence I shall labor to contain myself and be silent.

I cannot but feel, gentlemen, how much I stand in need of your favorable attention and indulgence. The charge which I have to defend is surrounded with the most invidious topics of discussion; but they are not of my seeking. The case and the topics which are inseparable from it are brought here by the prosecutor. Here I find them, and here it is my duty to deal with them as the interests of Mr. Peltier seem to me to require. He, by his choice and confidence, has cast on me a very arduous duty which I could not decline and which I can still less

betray. He has a right to expect from me a faithful, a zealous, and a fearless defence; and this his just expectation, according to the measure of my humble abilities, shall be fulfilled.

I have said a fearless defence. Perhaps that word was unnecessary in the place where I now stand. Intrepidity in the discharge of professional duty is so common a quality at the English bar that it has, thank God, long ceased to be a matter of boast or praise. If it had been otherwise, gentlemen, if the bar could have been silenced or overawed by power, I may presume to say that an English jury would not this day have been met to administer justice. Perhaps I need scarce say that my defence shall be fearless in a place where fear never entered any heart but that of a criminal. But you will pardon me for having said so much when you consider who the real parties before you are.

Gentlemen, the real prosecutor is the master of the greatest empire the civilized world ever saw. The defendant is a defenceless, proscribed exile. He is a French Royalist, who fled from his country in the autumn of 1792, at the period of that memorable and awful emigration when all the proprietors and magistrates of the greatest civilized country of Europe were driven from their homes by the daggers of assassins; when our shores were covered, as with the wreck of a great tempest, with old men, and women, and children, and ministers of religion, who fled from the ferocity of their countrymen as before an army of invading barbarians.

The greatest part of these unfortunate exiles—of those, I mean, who have been spared by the sword, who have survived the effect of pestilential climates or broken hearts—have been since permitted to revisit their country. Though despoiled of their all, they have eagerly embraced even the sad privilege of being suffered to die in their native land.

Even this miserable indulgence was to be purchased by compliances, by declarations of allegiance to the new government, which some of these suffering Royalists deemed incompatible with their consciences, with their dearest attachments, and their most sacred duties. Among these last is Mr. Peltier. I do not presume to blame those who submitted, and I trust you will not judge harshly of those who refused. You will not think unfavorably of a man who stands before you as the voluntary victim of his loyalty and honor. If a revolution (which God avert) were to drive us into exile and to cast us on a foreign shore, we should expect, at least, to be pardoned by generous men for stubborn loyalty and unseasonable fidelity to the laws and government of our fathers.

This unfortunate gentleman had devoted a great part of his life to literature. It was the amusement and ornament of his better days. Since his own ruin and the desolation of his country he has been compelled to employ it as a means of support. For the last ten years he has been engaged in a variety of publications of considerable importance; but since the peace he has desisted from serious political discussion and confined himself to the obscure journal which is now before you, the least calculated, surely, of any publication that ever issued from the press, to rouse the alarms of the most jealous government; which will not be read in England because it is not written in our language; which cannot be read in France because its entry into that country is prohibited by a power whose mandates are not very supinely enforced nor often evaded with impunity; which can have no other object than that of amusing the companions of the author's principles and misfortunes, by pleasantries and sarcasms on their victorious enemies.

There is, indeed, gentlemen, one remarkable circumstance

in this unfortunate publication; it is the only, or almost the only journal which still dares to espouse the cause of that royal and illustrious family which but fourteen years ago was flattered by every press and guarded by every tribunal in Europe. Even the court in which we are met affords an example of the vicissitudes of their fortune. My learned friend has reminded you that the last prosecution tried in this place at the instance of a French government was for a libel on that magnanimous princess who has since been butchered in sight of her palace.

I do not make these observations with any purpose of questioning the general principles which have been laid down by my learned friend. I must admit his right to bring before you those who libel any government recognized by his Majesty and at peace with the British empire. I admit that whether such a government be of yesterday or a thousand years old, whether it be a crude and bloody usurpation or the most ancient, just, and paternal authority upon earth, we are here equally bound, by his Majesty's recognition, to protect it against libellous attacks. I admit that if, during our usurpation, Lord Clarendon had published his history at Paris, or the Marquess of Montrose his verses on the murder of his sovereign, or Mr. Crowley his "Discourse on Cromwell's Government," and if the English ambassador had complained, the President De Molí, or any other of the great magistrates who then adorned the Parliament of Paris, however reluctantly, painfully, and indignantly, might have been compelled to have condemned these illustrious men to the punishment of libellers. I say this only for the sake of bespeaking a favorable attention, from your generosity and compassion, to what will be feebly urged in behalf of my unfortunate client, who has sacrificed his fortune, his hopes, his connections, his country,

to his conscience; who seems marked out for destruction in this his last asylum.

That he still enjoys the security of this asylum, that he has not been sacrificed to the resentment of his powerful enemies, is perhaps owing to the firmness of the king's government. If that be the fact, gentlemen; if his Majesty's ministers have resisted applications to expel this unfortunate gentleman from England, I should publicly thank them for their firmness if it were not unseemly and improper to suppose that they could have acted otherwise — to thank an English government for not violating the most sacred duties of hospitality; for not bringing indelible disgrace on their country.

But be that as it may, gentlemen, he now comes before you perfectly satisfied that an English jury is the most refreshing prospect that the eye of accused innocence ever met in a human tribunal; and he feels with me the most fervent gratitude to the Protector of empires that, surrounded as we are with the ruins of principalities and powers, we still continue to meet together, after the manner of our fathers, to administer justice in this her ancient sanctuary.

There is another point of view in which this case seems to me to merit your most serious attention. I consider it as the first of a long series of conflicts between the greatest power in the world and the only free press remaining in Europe. No man living is more thoroughly convinced than I am that my learned friend, Mr. Attorney General, will never degrade his excellent character; that he will never disgrace his high magistracy by mean compliances, by an immoderate and unconscientious exercise of power; yet I am convinced, by circumstances, which I shall now abstain from discussing, that I am to consider this as the first of a long series of conflicts

between the greatest power in the world and the only free press now remaining in Europe.

Gentlemen, this distinction of the English press is new; it is a proud and melancholy distinction. Before the great earthquake of the French Revolution had swallowed up all the asylums of free discussion on the Continent, we enjoyed that privilege indeed more fully than others; but we did not enjoy it exclusively. In great monarchies the press has always been considered as too formidable an engine to be entrusted to unlicensed individuals.

But in other continental countries, either by the laws of the state or by long habits of liberality and toleration in magistrates, a liberty of discussion has been enjoyed perhaps sufficient for most useful purposes. It existed, in fact, where it was not protected by law; and the wise and generous connivance of governments was daily more and more secured by the growing civilization of their subjects. In Holland, in Switzerland, in the imperial towns of Germany, the press was either legally or practically free. Holland and Switzerland are no more; and since the commencement of this prosecution fifty imperial towns have been erased from the list of independent states by one dash of the pen. Three or four still preserve a precarious and trembling existence. I will not say by what compliances they must purchase its continuance. I will not insult the feebleness of states whose unmerited fall I do most bitterly deplore.

These governments were in many respects one of the most interesting parts of the ancient system of Europe. Unfortunately for the repose of mankind, great states are compelled, by regard to their own safety, to consider the military spirit and martial habits of their people as one of the main objects of their policy. Frequent hostilities seem almost the neces-

sary condition of their greatness; and without being great they cannot long remain safe. Smaller states, exempted from this cruel necessity — a hard condition of greatness, a bitter satire on human nature — devoted themselves to the arts of peace, to the cultivation of literature, and the improvement of reason. They became places of refuge for free and fearless discussion; they were the impartial spectators and judges of the various contests of ambition which from time to time disturbed the quiet of the world.

They thus became peculiarly qualified to be the organs of that public opinion which converted Europe into a great republic with laws which mitigated though they could not extinguish ambition, and with moral tribunals to which even the most despotic sovereigns were amenable. If wars of aggrandizement were undertaken, their authors were arraigned in the face of Europe.

If acts of internal tyranny were perpetrated, they resounded from a thousand presses throughout all civilized countries. Princes on whose will there were no legal checks thus found a moral restraint which the most powerful of them could not brave with absolute impunity. They acted before a vast audience to whose applause or condemnation they could not be utterly indifferent. The very constitution of human nature, the unalterable laws of the mind of man, against which all rebellion is fruitless, subjected the proudest tyrants to this control. No elevation of power, no depravity however consummate, no innocence however spotless, can render man wholly independent of the praise or blame of his fellow men.

These governments were in other respects one of the most beautiful and interesting parts of our ancient system. The perfect security of such inconsiderable and feeble states, their undisturbed tranquillity amid the wars and conquests that sur-

rounded them, attested, beyond any other part of the European system, the moderation, the justice, the civilization to which Christian Europe had reached in modern times.

Their weakness was protected only by the habitual reverence for justice which during a long series of ages had grown up in Christendom. This was the only fortification which defended them against those mighty monarchs to whom they offered so easy a prey. And till the French Revolution this was sufficient.

Consider, for instance, the situation of the Republic of Geneva. Think of her defenceless position, in the very jaws of France; but think also of her undisturbed security, of her profound quiet, of the brilliant success with which she applied to industry and literature while Louis XIV was pouring his myriads into Italy before her gates. Call to mind, if ages crowded into years have not effaced them from your memory, that happy period when we scarcely dreamed more of the subjugation of the feeblest republic of Europe than of the conquest of her mightiest empire; and tell me if you can imagine a spectacle more beautiful to the moral eye, or a more striking proof of progress in the noblest principles of true civilization.

These feeble states — these monuments of the justice of Europe — the asylum of peace, of industry, and of literature — the organs of public reason — the refuge of oppressed innocence and persecuted truth, have perished with those ancient principles which were their sole guardians and protectors. They have been swallowed up by that fearful convulsion which has shaken the uttermost corners of the earth. They are destroyed and gone forever.

One asylum of free discussion is still inviolate. There is still one spot in Europe where man can freely exercise his

reason on the most important concerns of society, where he can boldly publish his judgment on the acts of the proudest and most powerful tyrants. The press of England is still free. It is guarded by the free constitution of our forefathers. It is guarded by the hearts and arms of Englishmen, and I trust I may venture to say that if it be to fall it will fall only under the ruins of the British empire.

It is an awful consideration, gentlemen. Every other monument of European liberty has perished. That ancient fabric which has been gradually reared by the wisdom and virtue of our fathers still stands. It stands, thanks be to God! solid and entire; but it stands alone, and it stands amid ruins.

In these extraordinary circumstances I repeat that I must consider this as the first of a long series of conflicts between the greatest power in the world and the only free press remaining in Europe. And I trust that you will consider yourselves as the advanced guard of liberty, as having this day to fight the first battle of free discussion against the most formidable enemy that it ever encountered. You will therefore excuse me if, on so important an occasion, I remind you, at more length than is usual, of those general principles of law and policy on this subject which have been handed down to us by our ancestors.

Those who slowly built up the fabric of our laws never attempted anything so absurd as to define, by any precise rule, the obscure and shifting boundaries which divide libel from history or discussion. It is a subject which, from its nature, admits neither rules nor definitions. The same words may be perfectly innocent in one case and most mischievous and libellous in another. A change of circumstances, often apparently slight, is sufficient to make the whole difference.

These changes, which may be as numerous as the variety of human intentions and conditions, can never be foreseen nor comprehended under any legal definitions, and the framers of our law have never attempted to subject them to such definitions. They left such ridiculous attempts to those who call themselves philosophers, but who have, in fact, proved themselves most grossly and stupidly ignorant of that philosophy which is conversant with human affairs.

The principles of the law of England on the subject of political libel are few and simple, and they are necessarily so broad that without an habitually mild administration of justice they might encroach materially on the liberty of political discussion. Every publication which is intended to vilify either our own government or the government of any foreign state in amity with this kingdom is, by the law of England, a libel. To protect political discussion from the danger to which it would be exposed by these wide principles, if they were severely and literally enforced, our ancestors trusted to various securities—some growing out of the law and constitution, and others arising from the character of those public officers whom the constitution had formed, and to whom its administration is committed.

They trusted, in the first place, to the moderation of the legal officers of the Crown, educated in the maxims and imbued with the spirit of a free government, controlled by the superintending power of Parliament, and peculiarly watched in all political prosecutions by the reasonable and wholesome jealousy of their fellow subjects. And I am bound to admit that, since the glorious era of the revolution [1688], making due allowance for the frailities, the faults, and the occasional vices of men, they have, upon the whole, not been disappointed.

I know that in the hands of my learned friend that trust will never be abused. But, above all, they confided in the moderation and good sense of juries, popular in their origin, popular in their feelings, popular in their very prejudices, taken from the mass of the people, and immediately returning to that mass again. By these checks and temperaments they hoped that they should sufficiently repress malignant libels without endangering that freedom of inquiry which is the first security of a free state.

They knew that the offence of a political libel is of a very peculiar nature and differing in the most important particulars from all other crimes. In all other cases the most severe execution of law can only spread terror among the guilty; but in political libels it inspires even the innocent with fear. This striking peculiarity arises from the same circumstances which make it impossible to define the limits of libel and innocent discussion; which make it impossible for a man of the purest and most honorable mind to be always perfectly certain whether he be within the territory of fair argument and honest narrative, or whether he may not have unwittingly overstepped the faint and varying line which bounds them.

But, gentlemen, I will go further. This is the only offence where severe and frequent punishments not only intimidate the innocent, but deter men from the most meritorious acts and from rendering the most important services to their country. They indispose and disqualify men for the discharge of the most sacred duties which they owe to mankind. To inform the public on the conduct of those who administer public affairs requires courage and conscious security. It is always an invidious and obnoxious office; but it is often the most necessary of all public duties. If it is not done boldly it

cannot be done effectually, and it is not from writers trembling under the uplifted scourge that we are to hope for it.

There are other matters, gentlemen, to which I am desirous of particularly calling your attention. These are the circumstances in the condition of this country which have induced our ancestors, at all times, to handle with more than ordinary tenderness that branch of the liberty of discussion which is applied to the conduct of foreign states. The relation of this kingdom to the commonwealth of Europe is so peculiar that no history, I think, furnishes a parallel to it.

From the moment in which we abandoned all projects of Continental aggrandizement we could have no interest respecting the state of the Continent but the interests of national safety and of commercial prosperity. The paramount interest of every state—that which comprehends every other—is security. And the security of Great Britain requires nothing on the Continent but the uniform observance of justice. It requires nothing but the inviolability of ancient boundaries and the sacredness of ancient possessions, which, on these subjects, is but another form of words for justice. A nation which is herself shut out from the possibility of Continental aggrandizement can have no interest but that of preventing such aggrandizement in others. We can have no interest of safety but the preventing of those encroachments which, by their immediate effects or by their example, may be dangerous to ourselves. We can have no interest or ambition respecting the Continent. So that neither our real nor even our apparent interest can ever be at variance with justice.

As to commercial prosperity, it is indeed a secondary, but it is still a very important branch of our national interests, and it requires nothing on the continent of Europe but the main-

tenance of peace as far as the paramount interest of security will allow.

Whatever ignorant or prejudiced men may affirm, no war was ever gainful to a commercial nation. Losses may be less in some, and incidental profits may arise in others. But no such profits ever formed an adequate compensation for the waste of capital and industry which all wars must produce. Next to peace, our commercial greatness depends chiefly on the affluence and prosperity of our neighbors. A commercial nation has, indeed, the same interest in the wealth of her neighbors that a tradesman has in the wealth of his customers.

The prosperity of England has been chiefly owing to the general progress of civilized nations in the arts and improvements of social life. Not an acre of land has been brought into cultivation in the wilds of Siberia or on the shores of the Mississippi which has not widened tthe market for English industry. It is nourished by the progressive prosperity of the world, and it amply repays all that it has received. It can only be employed in spreading civilization and enjoyment over the earth; and by the unchangeable laws of nature, in spite of the impotent tricks of government, it is now partly applied to revive the industry of those very nations who are the loudest in their senseless clamors against its pretended mischiefs. If the blind and barbarous project of destroying English prosperity could be accomplished, it could have no other effect than that of completely beggaring the very countries who now stupidly ascribe their own poverty to our wealth.

Under these circumstances, gentlemen, it became the obvious policy of the kingdom, a policy in unison with the maxims of a free government, to consider with great indul-

gence even the boldest animadversions of our political writers on the ambitious projects of foreign states.

Bold, and sometimes indiscreet as these animadversions might be, they had at least the effect of warning the people of their danger, and of rousing the national indignation against those encroachments which England has almost always been compelled in the end to resist by arms. Seldom, indeed, has she been allowed to wait till a provident regard to her own safety should compel her to take up arms in defence of others. For as it was said by a great orator of antiquity that no man ever was the enemy of the republic who had not first declared war against him, so I may say with truth that no man ever meditated the subjugation of Europe who did not consider the destruction or the corruption of England as the first condition of his success.

If you examine history you will find that no such project was ever formed in which it was not deemed a necessary preliminary either to detach England from the common cause or to destroy her. It seems as if all the conspirators against the independence of nations might have sufficiently taught other states that England is their natural guardian and protector; that she alone has no interest but their preservation; that her safety is interwoven with their own.

When vast projects of aggrandizement are manifested, when schemes of criminal ambition are carried into effect, the day of battle is fast approaching for England. Her free government cannot engage in dangerous wars without the hearty and affectionate support of her people. A state thus situated cannot without the utmost peril silence those public discussions which are to point the popular indignation against those who must soon be enemies. In domestic dissensions it may sometimes be the supposed interest of government to

overawe the press. But it never can be even their apparent interest when the danger is purely foreign.

A king of England who in such circumstances should conspire against the free press of this country would undermine the foundations of his own throne; he would silence the trumpet which is to call his people round his standard.

Our ancestors never thought it their policy to avert the resentment of foreign tyrants by enjoining English writers to contain and repress their just abhorrence of the criminal enterprises of ambition. This great and gallant nation, which has fought in the front of every battle against the oppressors of Europe, has sometimes inspired fear, but, thank God, she has never felt it. We know that they are our real, and must soon become our declared foes. We know that there can be no cordial amity between the natural enemies and the independence of nations. We have never adopted the cowardly and short-sighted policy of silencing our press, of breaking the spirit and palsying the hearts of our people, for the sake of a hollow and precarious truce. We have never been base enough to purchase a short respite from hostilities by sacrificing the first means of defence,—the means of rousing the public spirit of the people and directing it against the enemies of their country and of Europe.

Gentlemen, the public spirit of a people, by which I mean the whole body of those affections which unite men's hearts to the commonwealth, is in various countries composed of various elements and depends on a great variety of causes. In this country I may venture to say that it mainly depends on the vigor of the popular parts and principles of our government, and that the spirit of liberty is one of its most important elements. Perhaps it may depend less on those advantages of a free government which are most highly estimated by

calm reason than upon those parts of it which delight the imagination and flatter the just and natural pride of mankind.

Among these we are certainly not to forget the political rights which are not uniformly withheld from the lowest classes, and the continual appeal made to them in public discussion upon the greatest interests of the state. These are undoubtedly among the circumstances which endear to Englishmen their government and their country, and animate their zeal for that glorious institution which confers on the meanest of them a sort of distinction and nobility unknown to the most illustrious slaves who tremble at the frown of a tyrant.

Whoever were unwarily and rashly to abolish or narrow these privileges, which it must be owned are liable to great abuse and to very specious objections, might perhaps discover too late that he had been dismantling his country. Of whatever elements public spirit is composed, it is always and everywhere the chief defensive principle of a State. It is perfectly distinct from courage. Perhaps no nation, certainly no European nation, ever perished from an inferiority of courage. And undoubtedly no considerable nation was ever subdued in which the public affections were sound and vigorous. It is public spirit which binds together the dispersed courage of individuals and fastens it to the commonwealth.

It is, therefore, as I have said, the chief defensive principle of every country. Of all the stimulants which arouse it into action, the most powerful among us is certainly the press; and it cannot be restrained or weakened without imminent danger that the national spirit may languish, and that the people may act with less zeal and affection for their country in the hour of its danger.

These principles, gentlemen, are not new — they are genuine old English principles. And though in our days they have been disgraced and abused by ruffians and fanatics, they are in themselves as just and sound as they are liberal; and they are the only principles on which a free state can be safely governed. These principles I have adopted since I first learned the use of reason, and I think I shall abandon them only with life.

On these principles I am now to call your attention to the libel with which this unfortunate gentleman is charged. I heartily rejoice that I concur with the greatest part of what has been said by my learned friend, Mr. Attorney General, who has done honor even to his character by the generous and liberal principles which he has laid down. He has told you that he does not mean to attack historical narrative. He has told you that he does not mean to attack political discussion He has told you, also, that he does not consider every intemperate word into which a writer, fairly engaged in narration or reasoning, might be betrayed, as a fit subject for prosecution.

The essence of the crime of libel consists in the malignant mind which the publication proves and from which it flows. A jury must be convinced, before they find a man guilty of libel, that his intention was to libel, not to state facts which he believed to be true, or reasonings which he thought just. My learned friend has told you that the liberty of history includes the right of publishing those observations which occur to intelligent men when they consider the affairs of the world; and I think he will not deny that it includes also the right of expressing those sentiments which all good men feel on the contemplation of extraordinary examples of depravity or excellence.

One more privilege of the historian, which the Attorney General has not named, but to which his principles extend, it is now my duty to claim on behalf of my client; I mean the right of republishing, historically, those documents, whatever their original malignity may be, which display the character and unfold the intentions of governments, or factions, or individuals.

I think my learned friend will not deny that a historical compiler may innocently republish in England the most insolent and outrageous declaration of war ever published against his Majesty by a foreign government. The intention of the original author was to vilify and degrade his Majesty's government; but the intention of the compiler is only to gratify curiosity, or, perhaps, to rouse just indignation against the calumniator whose production he republishes. His intention is not libellous—his republication is therefore not a libel. Suppose this to be the case with Mr. Peltier. Suppose him to have republished libels with a merely historical intention. In that case it cannot be pretended that he is more a libeller than my learned friend, Mr. Abbott, who read these supposed libels to you when he opened the pleadings. Mr. Abbott republished them to you, that you might know and judge of them: Mr. Peltier, on the supposition I have made, also republished them, that the public might know and judge of them.

You already know that the general plan of Mr. Peltier's publication was to give a picture of the cabals and intrigues, of the hopes and projects of French factions. It is undoubtedly a natural and necessary part of this plan to republish all the serious and ludicrous pieces which these factions circulate against each other. The ode ascribed to Chenier or Ginguené I do really believe to have been written at Paris, to have been

circulated there, to have been there attributed to some one of these writers, to have been sent to England as their work, and as such to have been republished by Mr. Peltier. But I am not sure that I have evidence to convince you of the truth of this. Suppose that I have not; will my learned friend say that my client must necessarily be convicted? I, on the contrary, contend that it is for my learned friend to show that it is not a historical republication. Such it professes to be, and that profession it is for him to disprove. The profession may indeed be "a mask;" but it is for my friend to pluck off the mask and expose the libeller before he calls upon you for a verdict of guilty.

If the general lawfulness of such republications be denied, then I must ask Mr. Attorney General to account for the long impunity which English newspapers have enjoyed. I must request him to tell you why they have been suffered to republish all the atrocious official and unofficial libels which have been published against his Majesty for the last ten years by the Brissots, the Marats, the Dantons, the Robespierres, the Barrères, the Talliens, the Reubells, the Merlins, the Barrases, and all that long line of bloody tyrants who oppressed their own country and insulted every other which they had not the power to rob.

What must be the answer?

That the English publishers were either innocent, if their motive was to gratify curiosity; or praiseworthy, if their intention was to rouse indignation against the calumniators of their country. If any other answer be made, I must remind my friend of a most sacred part of his duty — the duty of protecting the honest fame of those who are absent in the service of their country.

Within these few days we have seen, in every newspaper

in England, a publication, called the Report of Colonel Sebastiani, in which a gallant British officer [General Stuart] is charged with writing letters to procure assassination. The publishers of that infamous report are not and will not be prosecuted, because their intention is not to libel General Stuart.

On any other principle, why have all our newspapers been suffered to circulate that most atrocious of all libels against the king and people of England, which purports to be translated from the "Moniteur" of the 9th of August, 1802,—a libel against a prince who has passed through a factious and stormy reign of forty-three years without a single imputation on his personal character; against a people who have passed through the severest trials of national virtue with unimpaired glory — who alone in the world can boast of mutinies without murder, of triumphant mobs without massacre, of bloodless revolutions, and of civil wars unstained by a single assassination.

That most impudent and malignant libel which charges such a king of such a people, not only with having hired assassins, but with being so shameless, so lost to all sense of character, as to have bestowed on these assassins, if their murderous projects had succeeded, the highest badges of public honor, the rewards reserved for statesmen and heroes,—the order of the Garter: the order which was founded by the heroes of Cressy and Poitiers; the garter which was worn by Henry the Great and Gustavus Adolphus; which might now be worn by the hero who, on the shores of Syria [Sir Sydney Smith]— the ancient theatre of English chivalry — has revived the renown of English valor and of English humanity,—that unsullied garter which a detestable libeller dares to say is to be paid as the price of murder. . . .

I am aware, gentlemen, that I have already abused your indulgence, but I must entreat you to bear with me for a short time longer, to allow me to suppose a case which might have occurred, in which you will see the horrible consequences of enforcing rigorously principles of law, which I cannot counteract, against political writers. We might have been at peace with France during the whole of that terrible period which elapsed between August, 1792 and 1794, which has been usually called the reign of Robespierre,—the only series of crimes, perhaps, in history, which, in spite of the common disposition to exaggerate extraordinary facts. has been beyond measure underrated in public opinion.

I say this, gentlemen, after an investigation which I think entitles me to affirm it with confidence. Men's minds were oppressed by atrocity and the multitude of crimes; their humanity and their indolence took refuge in scepticism from such an overwhelming mass of guilt; and the consequence was that all these unparalleled enormities, though proved not only with the fullest historical but with the strictest judicial evidence, were at the time only half believed and are now scarcely half remembered.

When these atrocities were daily perpetrating, of which the greatest part are as little known to the public in general as the campaigns of Genghis Khan, but are still protected from the scrutiny of men by the immensity of those voluminous records of guilt in which they are related, and under the mass of which they will be buried till some historian be found with patience and courage enough to drag them forth into light, for the shame, indeed, but for the instruction of mankind — when these crimes were perpetrating, which had the peculiar malignity, from the pretexts with which they were covered, of making the noblest objects of human pursuit seem odious

and detestable; which has almost made the names of liberty, reformation, and humanity synonymous with anarchy, robbery, and murder; which thus threatened not only to extinguish every principle of improvement, to arrest the progress of civilized society, and to disinherit future generations of that rich succession which they were entitled to expect from the knowledge and wisdom of the present, but to destroy the civilization of Europe, which never gave such a proof of its vigor and robustness as in being able to resist their destructive power — when all these horrors were acting in the greatest empire of the continent, I will ask my learned friend, if we had then been at peace with France, how English writers were to relate them so as to escape the charge of libelling a friendly government.

When Robespierre, in the debates in the National Convention on the mode of murdering their blameless sovereign, objected to the formal and tedious mode of murder called a trial, and proposed to put him immediately to death, "on the principles of insurrection," because to doubt the guilt of the king would be to doubt the innocence of the Convention; and if the king were not a traitor, the Convention must be rebels; would my learned friend have had an English writer state all this with "decorum and moderation?" Would he have had an English writer state that though this reasoning was not perfectly agreeable to our national laws, or perhaps to our national prejudices, yet it was not for him to make any observations on the judicial proceedings of foreign states?

When Marat, in the same Convention, called for two hundred and seventy thousand heads, must our English writers have said that the remedy did indeed seem to their weak judgment rather severe; but that it was not for them to judge the conduct of so illustrious an assembly as the National Con-

vention, or the suggestions of so enlightened a statesman as M. Marat?

When that Convention resounded with applause at the news of several hundred aged priests being thrown into the Loire, and particularly at the exclamation of Carrier, who communicated the intelligence, "What a revolutionary torrent is the Loire,"— when these suggestions and narrations of murder, which have hitherto been only hinted and whispered in the most secret cabals, in the darkest caverns of banditti, were triumphantly uttered, patiently endured, and even loudly applauded by an assembly of seven hundred men, acting in the sight of all Europe, would my learned friend have wished that there had been found in England a single writer so base as to deliberate upon the most safe, decorous, and polite manner of relating all these things to his countrymen?

When Carrier ordered five hundred children under fourteen years of age to be shot, the greater part of whom escaped the fire from their size; when the poor victims ran for protection to the soldiers and were bayoneted clinging round their knees! —would my friend——but I cannot pursue the strain of interrogation. It is too much. It would be a violence which I cannot practise on my own feelings. It would be an outrage to my friend. It would be an insult to humanity. No! Better, ten thousand times better, would it be that every press in the world were burned; that the very use of letters were abolished; that we were returned to the honest ignorance of the rudest times, than that the results of civilization should be made subservient to the purposes of barbarism; than that literature should be employed to teach a toleration for cruelty, to weaken moral hatred for guilt, to deprave and brutalize the human mind. I know that I speak my friend's feelings as

well as my own when I say God forbid that the dread of any punishment should ever make any Englishman an accomplice in so corrupting his countrymen, a public teacher of depravity and barbarity!

Mortifying and horrible as the idea is, I must remind you, gentlemen, that even at that time, even under the reign of Robespierre, my learned friend, if he had then been Attorney General, might have been compelled by some most deplorable necessity to have come into this court to ask your verdict against the libellers of Barrère and Collot d'Herbois. Mr. Peltier then employed his talents against the enemies of the human race, as he has uniformly and bravely done. I do not believe that any peace, any political considerations, any fear of punishment would have silenced him. He has shown too much honor, and constancy, and intrepidity, to be shaken by such circumstances as these.

My learned friend might then have been compelled to have filed a criminal information against Mr. Peltier for "wickedly and maliciously intending to vilify and degrade Maximilian Robespierre, President of the Committee of Public Safety of the French Republic!" He might have been reduced to the sad necessity of appearing before you to belie his own better feelings, to prosecute Mr. Peltier for publishing those sentiments which my friend himself had a thousand times felt, and a thousand times expressed. He might have been obliged even to call for punishment upon Mr. Peltier for language which he and all mankind would forever despise Mr. Peltier if he were not to employ. Then, indeed, gentlemen, we should have seen the last humiliation fall on England; the tribunals, the spotless and venerable tribunals of this free country reduced to be the ministers of the vengeance of Robespierre! What could have rescued us from this last disgrace? The

honesty and courage of a jury. They would have delivered the judges of this country from the dire necessity of inflicting punishment on a brave and virtuous man because he spoke truth of a monster. They would have despised the threats of a foreign tyrant, as their ancestors braved the power of oppression at home.

In the court where we are now met, Cromwell twice sent a satirist on his tyranny to be convicted and punished as a libeller; and in this court, almost in sight of the scaffold streaming with the blood of his sovereign, within hearing of the clash of his bayonets which drove out Parliament with contumely, two successive juries rescued the intrepid satirist [Lilburne] from his fangs, and sent out with defeat and disgrace the usurper's Attorney General from what he had the insolence to call his court! Even then, gentlemen, when all law and liberty were trampled under the feet of a military banditti; when those great crimes were perpetrated on a high place and with a high hand against those who were the objects of public veneration, which, more than anything else, break their spirits and confound their moral sentiments, obliterate the distinctions between right and wrong in their understanding, and teach the multitude to feel no longer any reverence for that justice which they thus see triumphantly dragged at the chariot-wheels of a tyrant; even then, when this unhappy country, triumphant, indeed, abroad, but enslaved at home, had no prospect but that of a long succession of tyrants wading through slaughter to a throne,—even then, I say, when all seemed lost, the unconquerable spirit of English liberty survived in the hearts of English jurors. That spirit is, I trust in God, not extinct; and if any modern tyrant were, in the drunkenness of his insolence, to hope to overawe an English jury, I trust and I believe that they would tell him,

"Our ancestors braved the bayonets of Cromwell; we bid defiance to yours." "*Contempsi Catilinæ gladios—non pertimescam tuos!*" [1]

What could be such a tyrant's means of overawing a jury? As long as their country exists they are girt round with impenetrable armor. Till the destruction of their country no danger can fall upon them for the performance of their duty, and I do trust that there is no Englishman so unworthy of life as to desire to outlive England. But if any of us are condemned to the cruel punishment of surviving our country; if, in the inscrutable councils of Providence, this favored seat of justice and liberty, this noblest work of human wisdom and virtue, be destined to destruction, which I shall not be charged with national prejudice for saying would be the most dangerous wound ever inflicted on civilization; at least let us carry with us into our sad exile the consolation that we ourselves have not violated the rights of hospitality to exiles, that we have not torn from the altar the suppliant who claimed protection as the voluntary victim of loyalty and conscience!

Gentlemen, I now leave this unfortunate gentleman in your hands. His character and his situation might interest your humanity; but on his behalf I only ask justice from you. I only ask a favorable construction of what cannot be said to be more than ambiguous language, and this you will soon be told, from the highest authority, is a part of justice.

[The jury found the defendant guilty, without leaving their seats; but as war broke out almost immediately, Mr. Peltier was not brought up for sentence, but was at once discharged.]

[1] "I have despised the daggers of Catiline, and I shall not fear yours."

JEAN VICTOR MOREAU

JEAN VICTOR MOREAU, one of the most famous of French generals, was born at Morlaix, in Brittany, Aug. 11, 1763, and died at Laun, in Bohémia, in presence of the Emperors of Austria and Russia and the King of Prussia, Sept. 2, 1813. Educated for the law at Rennes, France, he forsook his studies to enter the army, and on the outbreak of the French Revolution he served first under Dumouriez, and afterward was made general of division and conducted a successful campaign in Flanders. At this period he lost his father, who was brought to the block at Paris on suspicion of having plotted with the noblesse Emigrés. In 1796, he obtained command of the army on the Moselle and the Rhine as successor to Pichegru. Here he defeated the Austrians, then at war with France in the interest of monarchy, but after checking the Archduke Karl and being menaced by a superior force, he made a masterly retreat and regained the Rhine. For a time he was deprived of his command, but was given another in Italy, where he saved the French army from destruction by the Russians, and returning to the Rhine drove the Austrians from their positions and won the victory of Hohenlinden. Napoleon, meanwhile, had become jealous of Moreau's military reputation, and taking advantage of some indiscreet speech he had made, which seemed to indicate participation in the Royalist plots of Pichegru and Cadoudal, Moreau was arrested, imprisoned, and sent into exile. This occurred in 1804, and gave rise to his defence, which is here appended. Though there was little evidence of the complicity with which he was charged, he was banished from France and came for some years to the New World, residing chiefly in New Jersey. Returning to Europe in 1813 he joined the allies, and in the battle of Dresden had both legs fractured by a cannon ball and died within a week in Bohemia, his remains being buried at St. Petersburg. His reputation as a general, supplemented by the "Memoirs" which were afterward published of him, perpetuate his fame in France as a great and successful soldier.

SPEECH IN HIS OWN DEFENCE

DELIVERED BEFORE THE SPECIAL CRIMINAL COURT, 16th PRAIRIAL (JUNE 5), 1804

IN PRESENTING myself before you, I ask to be heard, for a short time, in my own person. My confidence in the defenders whom I have chosen is complete; I have unreservedly laid upon them the charge of defending my innocence. It is by their voice that I desire to address justice, but I feel the need of speaking with my own to you and to the nation.

Unfortunate circumstances, whether brought about by chance or produced by enmity, may cast a shadow upon some

moments of the life of the worthiest of men. A criminal may cleverly contrive to divert suspicion and proof of his crimes. The whole of a life is always the surest testimony against or in favor of an accused person. It is, then, my entire life that I oppose to the accusers who pursue me. It has been sufficiently public to be well known; I shall only recall certain epochs of it, and the witnesses whom I shall invoke are the French people and the peoples whom France has conquered.

I was intended for the profession of the law at the beginning of the revolution which was to found the liberty of the French people. That event changed the purpose of my life; I devoted myself to arms. I did not go and take my place among the soldiers of freedom from ambition; I embraced the military profession from respect for the rights of nations; I became a soldier because I was a citizen.

I bore that character with the colors; I have always preserved it. The more I loved liberty, the more submissive to discipline I was.

I rose rapidly enough, but always from rank to rank, never overstepping any, always by serving the country, never by flattering the committees. When I had attained the command-in-chief, when our victories sent us forward into the midst of nations who were our enemies, I was no less careful to make the character of the French people respected than I was to make their arms dreaded. War under my command was a scourge upon the battle-fields only. The nations and the powers with whom we waged war have more than once borne that testimony to me in the midst of their ravaged territories. This conduct was, in my belief, as well calculated as our victories to make conquests for France.

Even at the time when opposite maxims seemed to prevail

in the committees of the government, this line of action did not expose me to either calumny or persecution. No shadow had ever fallen upon the military glory which I had won, until that too famous day, the 18th Fructidor.

The persons who brought about the events of that day with so much rapidity reproached me with having been too slow to denounce a man whom I could only regard as a brother-in-arms until the moment when the evidence of facts and proofs made it plain to me that he was justly accused, and not only by unjust suspicion. The Directory, which alone was sufficiently well acquainted with my conduct to judge it fairly, and could not, as everybody knows, be disposed to regard me with indulgence, loudly declared how entirely irreproachable it held me to be. It gave me employment; the post was not brilliant; it soon became so.

I venture to believe that the nation has not forgotten how well worthy of it I have proved myself; it has not forgotten with what ready self-devotion I fought in Italy in subordinate posts; it has not forgotten how I was restored to the command-in-chief by the reverses of our arms, and remade general, so to speak, by our misfortunes. The nation remembers how twice I reconstructed an army of the remnants of those that had been dispersed, and how, after I had twice over put it into a condition to hold its own against the Russians and the Austrians, I twice over laid down the command to take one which was a greater trust.

I was not at that period of my life more republican than at every other, but I appeared a more prominent republican. The attention and the confidence of those to whom it belonged to give fresh movement and new direction to the Republic tended towards me in a more special way. It is well known that it was proposed to me to put myself at the head of an

enterprise closely resembling that of the 18th Brumaire. My ambition, if I had much, might easily have concealed itself under the appearance, or even openly boasted of the reality, of love of country.

The proposal was made to me by men who were celebrated in the Revolution for their patriotism, and in our national assemblies for their talents. I refused it; I believed myself called to command armies, but not to command the Republic.

That was enough to prove, it seems to me, that if I had an ambition it was not directed towards authority and power: soon afterwards I proved this better still.

The 18th Brumaire came, and I was in Paris. There was nothing to alarm my conscience in that Revolution which was brought about by others than me. It was directed by a man who was surrounded by a nimbus of fame; I might hope for happy results from it. I entered into it to second it, while other parties were pressing me to put myself at their head to oppose it. In Paris I received the orders of General Bonaparte. By having them executed I assisted to raise him to that high degree of power which circumstances rendered necessary.

When, some time afterwards, he offered me the command-in-chief of the army of the Rhine, I accepted it from him with as much zeal as from the hand of the Republic itself. My military successes were never more rapid, more numerous, more decisive than at the period when their lustre was shed upon that government which accuses me.

On returning from the scenes of all these achievements — the greatest was the having effectually secured the peace of the Continent — the triumphant soldier was greeted with acclamations that are a national recompense.

What a moment to choose for conspiring, if such a design had ever entered my mind!

The attachment of troops to the chiefs who have led them to victory is well known. Would an ambitious man, a conspirator, have let slip the opportunity, when he was at the head of an army of one hundred thousand men who had been so often victorious, and when he was returning to the midst of a nation still disturbed and always trembling for its principles and their duration?

My only thought was to disband the troops, and I retired into the repose of civil life.

In that repose, which was not devoid of glory, I enjoyed my honors, no doubt — those honors of which no human power can deprive me: the remembrance of my deeds, the testimony of my conscience, the esteem of my fellow countrymen and foreigners alike, and, if I may say so, the sweet and soothing foretaste of the judgment of posterity.

I was in the enjoyment of a fortune which was large only because my desires were not extravagant, and which was no reproach to my conscience. I had my retired pension also; assuredly I was content with my lot,—I, who had never envied the lot of any. My family and some friends—all the more precious because, as they had nothing to hope from my credit and my fortune, they could but be attached to myself alone—these possessions filled my whole mind, and neither desires nor ambition found any entrance into it. Would it be accessible to criminal projects?

This state of mind was so well known to be mine; it was so amply vouched for by the distance which I maintained from all the aims of ambition, that from the battle of Hohenlinden until my arrest my enemies have never been able to find, nor have they sought, any other crime whereof to accuse me, except the freedom of my speech. Well, it has often been favorable to the actions of the government; and if sometimes it has not been so, was I to think that such liberty was a crime

in a country which had so often affirmed by decree that thought, speech, and the press are free, and had enjoyed a great deal of liberty even under its kings?

I was born with a very frank disposition, and I have never been able to rid myself of that attribute of France in which I was born, either in the camp, where it flourished more than before, or in the Revolution, which has always proclaimed it a virtue in the man and a duty of the citizen. But do those who conspire blame what they disapprove quite so loudly? Such candor is hardly reconcilable with the plots and mysteries of politics.

If I had chosen to concoct and carry out plans of conspiracy I would have dissembled my feelings and endeavored to get every post which would have replaced me amid the forces of the nation.

I never possessed political genius to indicate such a course to me, but there were well-known examples which had been rendered conspicuous by success, and I had but to consider them. I know very well that Monk did not go away to a distance from the troops when he planned his conspiracy, and that Cassius and Brutus drew near to Cæsar previously to stabbing him.

And now, magistrates, I have nothing more to say to you. Such has been my character, such has been my whole life. In the presence of God and man I affirm the innocence and integrity of my conduct; you know what is your duty; France is listening to you, Europe is observing you, and posterity awaits you.

I am accused of being a brigand and a conspirator. The generous gentleman who has undertaken my defence will, I hope, convince you presently that such an accusation is ill-founded.

SAINT-JUST

ANTOINE LOUIS LEON DE SAINT-JUST, French revolutionist, henchman of Robespierre, and one of the leading promoters of the Reign of Terror, was born at Décize near Nièvre, France, Aug. 25, 1767, and was guillotined at Paris, July 28, 1794. Beginning his education at a school in Soissons, he was expelled from the institution on account of a plot with which he was charged to burn the school buildings. Proceeding to Paris, he flung himself, under the influence of Rousseau's ideas, into the political turmoil of the time, becoming an officer of the National Guard and a member of the Electoral Assembly of his district, though yet under age. Entering into correspondence with Robespierre, he was returned deputy of Aisne to the National Committee, making his first speech Nov. 19, 1792. He supported the most extreme measures, was a member of the Committee of Public Safety, and, next to Robespierre, was for months the most conspicuous leader in the Reign of Terror. In February, 1794, he became president of the Convention, and, speaking for Robespierre, he accused Danton of treason. On the ninth Thermidor he sought to defend Robespierre, but the sitting of the Convention closed with the order for Robespierre's arrest. On the following day, Saint-Just and his master were guillotined with twenty others, thus unexpectedly closing the hideous era of the Reign of Terror. "Saint-Just," observes Lamartine, seemed "to personify in himself the cold intelligence and pitiless march of the Revolution. He had neither eyes, ears, nor heart for anything which appeared to oppose the establishment of the universal republic." He possessed considerable personal attractions, and was popular as an enthusiast and revolutionist, his admirers styling him the "Saint John of the Messiah of the People."

ARRAIGNMENT OF DANTON

DANTON, you shall answer to inevitable, inflexible justice. Let us look at your past conduct, and let us show that from the first day, the accomplice of all crimes, you were always opposed to the party of liberty, and that you were in league with Mirabeau, with Dumouriez, with Hébert, with Hérault-Sechelles.

Danton, you have served tyranny; it is true you were opposed to Lafayette; but Mirabeau, d'Orléans, Dumouriez, were opposed to him also. Will you dare deny having been

sold to those three men — the most violent of conspirators against liberty? Through Mirabeau's protection you were named administrator of the department of Paris at the time when the Electoral Assembly was decidedly royalist. All Mirabeau's friends boasted loudly that they had closed your mouth. While this frightful character was living you remained almost dumb. At that time you reproached a rigid patriot at a public dinner with compromising the good cause by turning aside from the path followed by Barnave and Lameth, who abandoned the popular party.

In the first outburst of the Revolution, you showed a threatening front to the court; you spoke against it with vehemence. Mirabeau, who meditated a change of dynasty, felt the price of your audacity; he seized you. From that time you strayed away from severe principles and nothing more was heard of you until the massacre of the Champ-de-Mars. Then you applied the motion of Laclos to the Jacobins, which was a disastrous pretext and paid by the enemies of the people in order to display the red flag and attempt tyranny. The patriots, who were not initiated into this plot, had fought in vain against your sanguinary opinion. You were appointed to draw up with Brissot the petition of the Champ-de-Mars, and you escaped the fury of Lafayette, who caused the massacre of two thousand patriots. Brissot strayed afterward peaceably into Paris; and you spent happy days at Arcis-sur-Aube, if indeed he who conspired against his country could be happy. Could the calmness of your retreat at Arcis-sur-Aube be pictured to the imagination? You, one of the authors of the petition, while those that had signed it had been, some loaded with fetters, others massacred; were Brissot and you then objects of gratitude for tyranny since you were not objects of terror to it?

What shall I say of your cowardly and constant abandonment of the public cause in the midst of crises, when you always took the part of retreat?

After Mirabeau's death you conspired with the Lameths and you sustained them. You remained neutral during the Legislative Assembly, and you were silent in the painful struggle of the Jacobins with Brissot and the faction of La Gironde. At first you influenced them in favor of war; then, urged by the reproaches of the best citizens, you declared that you would serve both parties and you shut yourself up in silence. Leagued with Brissot to the Champ-de-Mars, you then shared his tranquillity and his liberty-destroying opinions; then, given over entirely to this conquering party, you said of those that refused it, since they remained alone in their opinions on the war and since they wished to be destroyed, you and your friends would abandon them to their fate. But when you saw the storm of the 10th of August gathering you retired again to Arcis-sur-Aube. A deserter from the perils that threatened liberty, the patriots hoped never to see you again. However, impelled by shame, by reproaches, when you knew that the downfall of tyranny was well prepared and inevitable, you came back to Paris the 9th of August. You went to bed that terrible night. Your section, which had named you its president, waited for you a long time; they tore you away from a shameful repose; you presided one hour; you left the arm-chair at midnight when the tocsin sounded; at the same moment the satellites of the tyrant entered and placed the bayonet on the hearth of the one who had taken your place: you,—you were asleep!

At that moment, what was Fabre, your accomplice and your friend, doing? You yourself said that he was parleying with the court in order to deceive it. But could the court rely on

Fabre without a sure guarantee of his venality and without very evident proof of his hatred for the popular party. Whoever is a friend to a man who has negotiated with the court is guilty of cowardice. The intellect is subject to errors; the errors of conscience are crimes.

But what have you done since to prove to us that Fabre, your accomplice, and you have desired to deceive the court? Your behavior since then has been that of conspirators. When you were minister there was question of sending an ambassador to London to bring about an alliance between the two nations: Noël, a counter-revolutionary journalist, was offered by the minister, Lebrun; you did not oppose it; you were blamed for it: you replied, "I know that Noël is of no consequence, but I am sending one of my relatives with him."

What was the result of this criminal embassy? Concerted war and treasons. You were the one who caused Fabre and d'Orléans nominated for the Electoral Assembly, where you proclaimed the one to be a very skilful man, and where you declared that the other, being a prince of the blood, would by his presence among the representatives of the people give them greater importance in the eyes of Europe. Chabot voted in favor of Fabre and d'Orléans. You made Fabre rich during your ministry. Fabre then loudly professed federalism and said that France would be divided into four parts. Roland, the partisan of royalty, desired to cross the Loire to find La Vendée; you wished to remain in Paris where d'Orléans was and where you were favoring Dumouriez. You gave orders to save Duport: he escaped in the midst of a riot got up at Mélun by your emissaries to search through an armed carriage. Malouet and the Bishop of Autun were often at your house; you favored them. Brissot's party accused Marat;

you declared yourself his enemy; you stood aside from the Mountain in the dangers which it ran. You publicly made it a merit never to have denounced Gensonné, Guadet, and Brissot; you kept holding out to them the olive-branch, guarantee of your alliance with them against the people and the strict republicans. La Gironde delivered against you a fictitious war. In order to compel you to show yourself in your true colors, it demanded of you your accounts; it accused you of ambition. Your foreseeing hypocrisy was all conciliating and was able to maintain you in the midst of parties, always ready to dissimulate with the strongest without insulting the feeblest. When the debates grew stormy there was indignation at your absence and at your silence; you talked about the country, the delights of solitude and of idleness, but you managed to emerge from your torpor to defend Dumouriez, Westermann, his boasted creature, and the generals his accomplices. You sent Fabre on a mission to Dumouriez under the pretext, you asserted, of reconciling him to Kellermann. The traitors were only too well united for our misfortune: in all their letters to the Convention, in their orations at the Convention, in their discourses at the bar, they acted as friends and you were theirs. The result of Fabre's mission was the safety of the Prussian army, in accordance with secret conditions which your conduct afterward explained. Dumouriez praised Fabre-Fond, Fabre-d'Eglantine's brother: can there be any doubt of your criminal concert in overturning the republic? You were skilful enough to mollify the anger of the patriots: you caused our misfortunes to be regarded as the result of the weakness of our armies, and you turned attention from the perfidy of the generals to occupy yourself with new levies of men. You associated with your criminal acts Lacroix, a conspirator long since discredited and with a soul

impure — a man with whom one could not be united except by a tie leaguing conspirators. Lacroix was at all times more than suspected: hypocritical and perfidious, he never in this Assembly spoke from an honest heart; he had the audacity to praise Miranda; then had the audacity to propose the renewal of the Convention; he behaved toward Dumouriez just as you did; your agitation was the same to hide the same wrong deeds. Lacroix often displayed his hatred for the Jacobins. Whence came the luxury that surrounds him? But why recall so many horrors when your manifest complicity with d'Orléans and Dumouriez in Belgium is sufficient excuse for justice to smite you?

Danton! after the 10th of August you had a conference with Dumouriez, in which you both vowed a devoted friendship and united your two fortunes. You have since justified this frightful agreement, and you are still his friend even while I am speaking. Returning from Belgium, you dared to speak of the crimes of Dumouriez with the same admiration as one would speak of the virtues of Cato. You have made an effort to corrupt the public morals by making yourself on many occasions the apologist of corrupted men, your accomplices. You were the first in a circle of patriots whom you wished to surprise, were the first to propose the banishment of Capet; a proposition which on your return you no longer dared to uphold because it was out of favor and would have ruined you.

Dumouriez, who, about this same time, had come to Paris with the design of influencing the tyrant's judgment, did not himself dare resist the cry of public justice which condemned the tyrant to death. What conduct did you display in the Committee of General Defence? You received the compliments of Guadet and of Brissot, and you paid them back; you said

to Brissot: "You have intellect, but you have pretensions." Such was your indignation against the enemies of your country! You consented that there should be no notice taken, at the Convention, of Dumouriez's independence and treason; you found yourself at secret meetings with Wimpffen and d'Orléans. At the same time you spoke in favor of moderate principles, and your robust ways seemed to disguise the weakness of your counsels. You said that severe maxims would make too many enemies in the Republic. A banal conciliator, all your speeches at the tribune began like thunder and at the end you succeeded in confounding truth and falsehood. What vigorous proposition have you ever directed against Brissot and his party in the National Assembly where I am accusing you? On your return from Belgium you stirred up the levy of the patriots of Paris to march to the frontiers. If that had taken place then, who would have resisted the aristocracy which had tried again and again to rise? Brissot desired nothing else, and the patriots sent into the field would have been sacrificed, would they not? Thus the desire of all the tyrants of the world for the destruction of Paris and of liberty would have been fulfilled.

You stirred up an insurrection in Paris; it was concerted with Dumouriez; you even announced that if money was lacking to bring it about you had your hand in the treasury of Belgium. Dumouriez desired a revolt in Paris to have a pretext for marching against this city of liberty under a title less derogatory than that of rebel and royalist. You who were resting at Arcis-sur-Aube before the 9th of August, opposing your idleness to the necessary insurrection, had found your warmth again in the month of March to serve Dumouriez and to furnish him an honorable pretext for marching against Paris. Desfieux, a recognized royalist and member of the

foreign party, gave the signal for the false insurrection. On the 10th of March a body of armed men set out for the Cordeliers, from there to the Commune, which was asked to take its place at their head. It refused to do so. Fabre was then showing great activity: "The movement," said he to a deputy, "has gone as far as it ought." Dumouriez's aim was attained; he made his movement the basis of his seditious manifesto and of the insolent letters which he wrote to the Convention. Desfieux, while declaiming against Brissot, received from Lebrun, Brissot's accomplice, a sum of money to send to the south vehement addresses where La Gironde was out of favor; but which tended to justify the projected revolt of the Federalists. Desfieux had his own couriers arrested at Bordeaux; and this caused Gensonné to denounce the Mountain and Guadet to declaim against Paris. Desfieux afterward spoke in favor of Brissot at the Revolutionary Tribunal. But, Danton, what a contradiction between this extreme and dangerous measure which you proposed, and the moderation which made you demand amnesty for all the guilty; which made you excuse Dumouriez, and made you in the Committee of General Safety support the proposition offered by Guadet to send Gensonné against the traitorous general. Could you have been so blind to the public interest? Could we reproach you for lacking discernment?

You accommodated yourself to everything: Brissot and his accomplices, when they left you, were always perfectly contented. At the tribune, when your silence was commented upon unfavorably, you gave them salutary advice to dissimulate more: you threatened them without indignation, but with a paternal kindness, and you gave them rather counsels to corrupt liberty to save themselves, to deceive us better, than you gave the Republican party to destroy them. "Hate,"

you said, "is unendurable to my heart," and you said to us, "I do not love Marat." But are you not criminal and responsible for not having hated the enemies of the country? Does a public man determine his indifference or his hatred by his private prejudices or by the love for his country, a love which you have never felt? You acted as a conciliator just as Sixte-Quinte acted the fool so as to reach the goal at which he was aiming. Will you now flash forth before the justice of the people, you who never flash forth when the country is attacked? We had believed you in good faith when we attacked Brissot's party; but since then floods of light have been thrown over your politics. You are Fabre's friend; you are not a man to compromise yourself. You could therefore defend yourself only by defending your accomplice. You abandoned the Republican party at the beginning of our session; and since then have you done anything else than cloud the deliberations with hypocrisy?

Fabre and you were d'Orléans' apologists, and you tried to make him pass for a simple and very unfortunate man: you often repeated that phrase. On the Mountain you were the point of contact and repersuasion of the conspiracy of Dumouriez, Brissot, and d'Orléans. Lacroix on all these occasions perfectly seconded you.

You looked on with horror at the revolution of the 2d of May. Hérault, Lacroix, and you asked for the head of Hanriot, who had served the cause of liberty, and you charged against him as a crime the movement which he had taken part in to escape an act of oppression on your part. Here, Danton, you used your hypocrisy: not having been able to carry out your project you dissimulated your fury; you looked at Hanriot, and, laughing, said, "Fear not, keep on in your course," wishing to make him understand that while you had been

apparently blaming him out of propriety, at heart you were really of his opinion. A moment later you approached him in the refreshment-room and offered him a glass with a caressing air, saying: "No grudge." Nevertheless the next day you libelled him in the most atrocious manner and charged him with having desired to assassinate you. Hérault and Lacroix supported you. But did you not send afterward an ambassador to Pétion and Wimpffen in Le Calvados? Did you not oppose the punishment of the deputies of La Gironde? Did you not defend Stengel, who had caused the outposts of the army at Aix-la-Chapelle to be assassinated? Thus, defender of all criminals, you have never done so much for a patriot! You accused Roland, but rather as an acrimonious imbecile than as a traitor; you discovered in his wife only pretensions to cleverness, you threw your mantle over all attempts to veil them or disguise them.

The ambassador of Spain says in the same letter written last June: "What troubles us is the reorganization of the Committee of Public Safety." You were in it, Lacroix; you were in it, Danton.

Wicked citizen, you have conspired; false friend, two days ago you spoke ill of Desmoulins, a tool whom you corrupted, and you ascribed to him shameful vices. Wicked man, you compared public opinion to a woman of evil life; you said that honor was ridiculous, that glory and posterity were folly; these maxims were meant to conciliate the aristocracy: they were those of Catiline. If Fabre is innocent, if d'Orléans, if Dumouriez were innocent, then doubtless you are. I have said too much; you shall reply to justice!

[Specially translated by Nathan Haskell Dole.]

CONSTANT

HENRI BENJAMIN CONSTANT DE REBECQUE, French politician, orator, and writer, was born at Lausanne, Switzerland, Oct. 25, 1767, and died at Paris, Dec. 8, 1830. As the protégé of Mme. de Stäel, he settled in 1795 in Paris, and soon took a conspicuous part in the politics of the day. He was a member of the Tribunate from 1799 until 1802. Banished by Napoleon, he returned, on the restoration of the Bourbon monarchy, and, remaining in Paris during the Hundred Days, took office under the Emperor. Upon the second restoration of the Bourbons he was compelled to go into exile, though he was permitted to return in 1816, when he was elected to the Chamber of Deputies, and continued to hold a seat in that body until 1830. Constant translated Schiller's "Wallenstein" into French, published a work on "Religion Considered in Its Source, Forms, and Developments," from the rationalistic point of view, and wrote and argued in favor of constitutional liberty.

FREE SPEECH NECESSARY FOR GOOD GOVERNMENT

CHAMBER OF DEPUTIES, PARIS, MARCH 23, 1820, AGAINST RESTRICTING THE LIBERTY OF THE PRESS

I WOULD ask the minister if he has reflected on the inevitable consequences incident to the suspension, temporary or otherwise, of the free circulation of our newspapers. It may render him ignorant of all that is passing in the cliques of parasites and flatterers at court. All governments, whether liberal or despotic (you see I eschew the words "foreign to the interests or rights of the people"), must rely for security on some means of knowing what is transpiring in the State. Even in Turkey the viziers are sometimes irritated at being deceived by their pachas as to the situation of the provinces, and perhaps much may be attributed to the inexact knowledge a neighbor prince had

of the dispositions of his garrisons when he saw them declare against him. Now, gentlemen, I assert it as a fact, that in suspending the free circulation of newspapers, the government condemns itself to know nothing, except from the advices of its salaried servants; that it to say, it will never know more than half the facts, and frequently it will believe the opposite of the true conditions. To prove this truth I shall not resort to reasoning. Reasoning is too near liberty to need to be availed of. I shall invoke only a few facts, because facts are always the same. As we have seen, the chartered rights of the people may be demolished, but the facts remain impregnable.

Well, then, gentlemen, will you remember the occurrence in Lyons in June, 1817? France was then under the exceptional laws under which you had placed her. Individual liberty was then, as it again will be, at the mercy of a ministry, and the censor made of journalism what you will do here in a week, if you adopt this proposed law.

What was the result then, gentlemen? A real or a sham conspiracy resulted. The severest measures were taken. Many men were put to death, and for a long time persecution was a political method. Well! All this was done and the government did not know just what it was agitating for. The government saw its error itself, for after all these executions had taken place, when, as a result, the conditions were irreparable, a marshal of France was sent to the field of these bloody severities to enlighten the Ministry on the true state of things. In the meanwhile, they incarcerated, judged, condemned, executed, and all without knowing wherefore; for had it not been felt necessary to inform them, the tardy mission of M. le Maréchal Marmount would not have been thought necessary. I shall not enter into

this lugubrious history, nor judge between those who affirm or deny their authority in the conspiracy. Who is right or wrong—this has no bearing on what I would prove. What is important is that for months the government was in ignorance of the facts and they had to send a personal messenger to report eye-witness on which they could depend.

But, gentlemen, it might have been otherwise. If in the Department of the Rhone there had been a single liberal journal, this journal—Jacobin, revolutionary, or whatever you would call it—might present things from a different point of view from the local authorities. The government might hear the two sides. It should not commence by striking without reason, afterward to send to find if it had any cause for striking.

I may be mistaken, but I think this side of the question has never been indicated, and that it is worth examination. In suspending the free circulation of newspapers, the Ministry announce that they desire to hear or learn nothing save by their own agents—that is to say if their agents are by imprudence, by any personal motives or passions, on a false route, they will learn from them only that which they think plausible to place their merit in evidence or to assure their justification. Is this to the interest of government? I ask the Ministry to reflect. If at all times I treat this only from the standpoint of the interest of the Ministry, it is because I would address them words they would hear. If it concerned them alone, I need not speak. All authority brings with it the penalties of its responsibilities, its vexations, and false measures; nothing can be more just, and what the result would be to the Ministry is to me indifferent.

But as the example at Lyons has shown us, the people resent this, and I would save the poor people a part of the

sufferings toward which this new régime is inevitably conducting us. I call this a new régime, because it is different from what the charter had commenced to introduce in France. But I might as well and more justly call it the old régime, for it is the old régime which we are reconstructing piece by piece; *lettres de cachet*, censures, oligarchic elections —these are the bases of the edifice! The columns and the capitals will come later! I ask the Ministry if they intend to govern France without knowing her. Will they adopt measures depending on events of which they are informed only by men whose interests are presumably to disguise them; to commit thus without profit to themselves much injustice which they can never repair? If this be their intent, the suspension of the liberty of the press is a sure method of its fulfilment. But if they find that the French people value the right of being heard before being condemned, and that twenty-eight million citizens should not be struck upon uncertain and possibly false reports, then the journals must be left free in their field of labor. Whatever the result, I am happy to have thus put the question. France will know if this be refused how much importance the Ministry attach to her requests by the lightness with which they treat them. I ask if they will do me the honor to reply, that they refute the example cited in the case of Lyons and not lose themselves in vague declamations in reply to the citation of a precise case.

Let us pass to another subject on which two words of explanation will be useful. To suspend the free circulation of the press is to place the newspapers in the hands of a minister, and to authorize the insertion in them of what he pleases.

Have you forgotten, gentlemen, what occurred when a

law, similar to the one you would resurrect, gave to a cabinet minister this power? I would not speak of the elections. I should be ashamed to recapitulate facts so well known. It were idle almost to tell the damage caused, for in three successive elections the minister discredited the official articles attacking the candidates. He only contributed to their election. On my part, I owe him gratitude in this respect and I pardon his intentions for their favorable results

The facts I want you to consider are much more important. You will probably remember that in the summer of the year 1818 several individuals who had filled responsible functions were arrested because they were suspected of conspiracy. I am not called on to explain or to defend these individuals. Their innocence or their guilt has nothing to do with this matter. They were detained; they were ironed; they had yet to be judged; and as they were to be exposed to the rigors of justice, they had a rightful claim on its safeguards. General Canuel was among the number. Well, gentlemen, while General Canuel was incarcerated, what did the minister do? He selected a journal of which the editors were friendly to the inculpated, and in it inserted the most damaging articles, and as they related to a man who was untried and unconvicted, I call them the most infamous. These articles circulated throughout France, and he against whom they had been directed had not the power to respond with a line. Do you find in this ministerial usage of the press anything, delicate, loyal, legitimate? It is this slavish use of the press they would solicit you to enact anew.

This condition can never be renewed. The constituency of our present Ministry is a guarantee against it.

By a law against universal liberty, you place the rights of all citizens at the discretion of a ministry. By suspending the freedom of the press, you will place at their mercy all reputations. I shall not stop to examine the promises of the Minister of the Interior on this anodyne measure, which is to "stop personalities," to "encourage enlightenment," and to "leave writers free." What opinion have the censors?

Censors are to thought what spies are to innocence; they both find their gains in guilt, and where it does not exist they create it. Censors class themselves as lettered. Producing nothing themselves, they are always in the humor of their sterility. No writer who respects himself would consent to be a censor. The title of royal censor was almost a reproach under the ancient régime. Has it been rehabilitated under the imperial censorship? These men will bring into the monarchy all the traditions of the empire. They will treat the liberty of the press as they do the administration, and we shall be marching under the guidance of the errors of Bonaparte, without the prestige of his imperial glory and the quiet of its unity.

ON THE DISSOLUTION OF THE CHAMBER OF DEPUTIES

IT IS said that the dissolution of the Chamber of Deputies has at length been resolved upon. I congratulate France upon it. An opportunity is offered to her to pronounce herself upon her destiny. If henceforth she is not free, she may thank herself for her slavery. She will have spontaneously sanctioned it; she will have given herself up to it of her own free will; and, whatever may be the yoke imposed upon her, she will have no right to complain.

No doubt the career which the determination of the government will present to her will be beset with many difficulties and probably strewed with some snares.

Opinion, which, when a popular election is the subject, ought, more than in any other circumstances, to enjoy an entire independence, has no means of making itself known, no organ to announce itself.

The persons of all the citizens are by law at the mercy of ministers. I do not inquire if the ministers abuse this power: they possess it, and that is sufficient for all liberty to be suspended. This not all: private correspondence, the object of respect in all free nations, has been seen taken by force from the legitimate possessors. Agents without legal authority have been seen penetrating the sanctuary of their domicile. The police has been seen giving orders and instructions to agents which it has disavowed, and after having assumed the place of justice for its acts, has shielded itself behind justice for impunity.

Thus, by the very confession of the ministry, it is under the empire of a dictatorship that they make an appearance of consulting France. It is a gagged people whom they invite to give their opinion. Censors, such as never existed under any revolutionary or despotic government; censors who, strange to say, are not anonymous, have, with the certainty of being discovered, the incredible presumption to alter the authentic papers delivered to them. They suppress not only opinions, but facts; they command imposture, sanction attack, interdict defence, authorize calumnies, forbid refutations, permit the institutions which France and the monarch have sworn to defend to be insulted before their faces, and, under their written authority, deputies who are faithful to them to be insulted, and, as though they were desirous of a fresh in-

vasion, denouncing to Europe the immense majority of the French.

In such a state of things it is evident that the nation, which ought to exercise by means of its electors the right of suffrage, will have—in order to understand itself and to act in concert and give its votes to those candidates who will not deceive their hopes—many obstacles to surmount; but a nation worthy of liberty surmounts every obstacle. No one can be compelled to inscribe on his bulletin the names he rejects. There would therefore be cowardice in condescending, though it should even be alleged that there had been tyranny or artifice in the pretension.

In another respect the existing obstructions have this advantage, that they will serve us at length to judge of the intention of ministers without going further. It is a trial they are about to undergo. If they wish the elections to be the expression of the popular opinion, let them break the chains which bind the electors. Let them give back to the citizens their guarantees, to the papers their independence, to opinion the means of expressing itself. Let them recollect that in Rome no armed forces approached the Comitiæ, and that in England the place of an election is protected, as a sanctuary, from the agency of power. If they refuse to follow this noble example it is because their intentions are contrary to their professions. It is not to the rights of all they pay respect; it is to the exclusion of some they aspire.

This exclusion is in fact the avowed object of the faction whose orders they appear for some time to have received. "It would be advantageous," say the papers of this faction, "to do away, by a complete renewal of the Chamber, these speaking-trumpets, these telegraphs, who make speeches and, from the national tribune, transmit signals to the agitators."

Thus we find what is desired is to drive from the tribune all those who warn France of the danger her liberties are in; and if there is any hesitation in risking a bold and free measure it is because the expulsion of these importunate orators does not appear to be sufficiently certain.

Humiliating confession, in a faction which pretends to govern us! It can predominate neither by its talents nor by the efforts of its creatures. In order that it may be heard, every other voice must be silent. In order to persuade, it must speak alone. In order that what it writes may be read, the press must be its monopoly, and no one must write but those in their pay. This is not the way that men of any worth govern; they respect their adversaries whilst they contend with them; they have not that dead conscience which applauds itself for reigning in the void, which feels that its power is negative, which can only shine in the absence of everything that is not servile and base, to which every struggle is a defeat, and which, in order to conquer its rivals, is obliged to drive them away or proscribe them. France, a country of so much talent and so much glory, into what degradation do these men plunge you! to what excess do they make you fall! Never did England, which is fallen much, see this jealous fury of an ambitious inferiority. Never did Mr. Pitt have recourse to such ignoble resources in the removal of Mr. Fox; and the weak and inconsiderate ministry of the Graftons and the Butes endeavored to answer, not to impose silence on Junius.

Will our ministry lend itself to the invidious meannesses of this faction? There is some cause to fear so. There is already perceptible in its preliminary operations many an effort to evade or counteract the votes; many obstacles presented to the approach of independent electors, many diversi-

fied chicaneries in the different departments. How many threats to the government servants! What threatenings of dismissal to the functionaries, without reckoning the more memorable dismissals which have proved that neither virtue, integrity, nor fidelity to the king could expiate a resistance to ministers, zealous persecutors, indifferent colleagues, and faithless friends!

Let us not, however, pronounce upon them an irrevocable sentence. Seeing what they have done we are inclined to be severe. But let us consider what a noisy faction dares to ask of them or even proscribe them from doing. We shall, perhaps, be inclined to show some indulgence. They say they are surrounded with danger: it may be they think so. If they were reanimated would they be less weak? Would they in fact yield to that inclination, natural to mankind, of existing by themselves, and not being the sport of a foreign and disdainful power? The chance exists; let us then examine the picture which is drawn, or which they give us of France. Let us admit that their terrors are sincere, and let us examine together if they are well founded.

"A violent agitation," they tell us, "torments France; here a party meditates the overthrow of the monarchy; further on, conspiracies of divers elements are engendering, but united for destruction. We are threatened with anarchy, military despotism seconds it, in order to stifle it after the victory; invisible associations and Direction committees pervert the representative government up to its very source." . . .

Our social organization, our laws relative to industry and property, distinct from your efforts to elude and paralyze their effects, are so admirable that everybody in France

including those who are not interested in it, has more to lose than gain by pillage. For he who has nothing is, if he likes, certain of acquiring something. It is not the same in other countries; the poor there are eternally poor, except by the effect of crime or chance: but amongst us the road is marked out, and conducts every one, by a progression protected by the law, to ease by the means of labor.

When the ministers speak of anarchy, there is not only error or bad faith in it, there is fatuity. You shall be overthrown to-morrow, and I will answer for it that two hours after your fall there will be no trace of anarchy; because there are proprietors everywhere, and order always answers the appeal made to it by property.

I do not say this to render the prospect of an overthrow less terrible. Every overthrow brings with it evils of longer or shorter duration, more or less disastrous, which it is desirable to avoid. I say it to reduce things to their just value, because truth is more forcible than emphasis, because exaggeration, when it is apparent, hurts its cause and fails in its object.

If you simply represent that the present is better than that which may be, I will support you zealously, particularly if you take care to consider the liberty which has been promised us as an integral and indispensable portion of that which is. But when you speak of anarchy; when you liberally bestow this injurious designation on all opposition to unjust power, on every appeal to recognized rights, on every manifestation of thought which authority feels importunate; when you degrade as anarchists our richest capitalists, our citizens who are the greatest lovers of peace,—your speeches are puerile, your declamations empty of idea, your rhetoric weak, and no one pays attention to you, or at least no one believes you.

But now you no longer fear anarchy, but military despotism. I am no more inclined than anybody else to judge favorably of it; but if there were reason to fear this despotism would you not have prepared the way? Do you not imprudently and unceasingly extol the services which the soldiers render, or have rendered you? Do you not produce them as the surest support of the throne and the arbiters of our destiny? and if by chance you had unawares gone still farther; if in the recent disturbances, military corps had declared themselves annoyed by the manifestation of an opinion different to theirs; if they had in the first place insulted the citizens who manifested that opinion, and afterward the deputies on whom the citizens heaped testimonies of esteem; if you had seen with an indifferent, perhaps an indulgent eye, deputies on whom the citizens heaped testimonies of esteem; a little anterior, and not less remarkable, these military corps had threatened with their vengeance a minister in office; if his sudden retreat might be attributed to their threats, and if you, the present ministers, were coolly seated in that place, thus become vacant,—would you not have been the first to suggest to the whole of the soldiery the dangerous doctrine of their importance? for the sword does not recognize privilege, and if it has been possible to abjure passive obedience in order to effect one overthrow it is deplorable, but not astonishing, that it should also be abjured to effect others.

Besides, this passive obedience which you recommended is it not the most direct road to military despotism? These pretorians, the habitual subject of the superficial and dull erudition of your editors, did they form an intelligent and reflecting army of citizens or traitors? Certainly not. These pretorians were blind instruments up to the moment in which they declared themselves rebels; that is, in which they conse-

crated to a second chief the implicit obedience which they had a long time professed to the first.

The best rampart against military despotism is patriotism. The best guarantee for patriotism is intelligence. Seek then no longer to make of your warriors machines which are strangers to reason. Place your strength even in their reason; in their reason, which will make them feel the necessity of discipline; in their reason, which will attach them more every day to a liberty which will protect their brothers, their wives, their fathers, and their children; in their reason, in a word, which will preserve them from the suggestions of the factious, and keep them on their guard against their immediate commanders should they be perfidious; for, mark it well, in the very conspiracy you announce it is the immediate chiefs, the subalterns, who have conspired, if you are to be believed about it. Now these immediate chiefs, these subaltern officers, were precisely those who had a provisional right to passive obedience; so their project, such at least as you relate it, was to profit by this passive obedience, to conduct their troops to the very place of crime without confiding to them what was expected from their insubordination. This would have been the masterpiece of that passive obedience which you represent as the best guarantee for the stability of governments.

Lastly, of what use are words against the eternal and immutable laws of our nature? This nature does not abdicate itself. I wrote so five years ago; why am I forced to repeat it? No one will ever succeed in making man become a total stranger to all inquiry, and to resign the intelligence which Providence has given him for his guidance, and of which no profession can absolve him from making use.

Of these physical means with which you take care to surround yourself, it is opinion which creates, assembles, retains around you, and directs these means. These soldiers, who appear to us and who are in effect at all times passive and unreflecting agents, these soldiers are men; they have moral faculties, sympathy, sensibility, and a conscience which may awake on a sudden. Opinion has the same empire over them as over the rest of their fellow creatures, and no proscription attacks its empire. See it traversing the French troops in 1789, transforming into citizens men collected from all parts, not only of France, but of the world; reanimating minds paralyzed by discipline, enervated by debauchery; causing notions of liberty to penetrate amongst them like a prejudice, and breaking, by this new prejudice, the bonds which so many ancient prejudices and rooted habits had interwoven. See afterward opinion, rapid and changeable, sometimes separating our warriors from their chiefs, sometimes reassembling them around them, rendering them by turns rebels or faithful subjects, sceptics, or enthusiasts.

See in England, in another sense, the Republicans, after the death of Cromwell, concentrating all the forces in their own hands, disposing of the army, the treasure, the civil authorities, the Parliament, and the courts of judicature. Dumb opinion only was against them, that wished to repose itself in royalty. Suddenly all their means are dissolved; everything totters; everything falls.

Doubtless a military government is a great scourge; but what are the means to prevent the fear of it? To reinforce the civil authority. Now, to reinforce the civil authority, what is necessary? To rest it upon justice; that is, on liberty. If you rest it upon force, you come back to a military government; for force and the sword are one and the same

thing. We make the citizens tremble before us, and we tremble before the Janizaries in our turn. . . .

To return to the elections and to the committees which it is said direct them, I repeat, the ministry gives to the committee all its power. On this point, as well as on so many others, they follow the route exactly opposite to the end they are desirous of attaining. When chance furnishes them with the means of influence they reject it at pleasure. I could cite for example many departments whose prefects, men of intelligence, moderate, clever, and tolerably ministerial, had gained the confidence of their district. These prefects would probably have acted in the elections. What did the ministry do? Hastened to displace them, in order to replace them by unknown persons, who might be perfectly worthy, but who will be found evidently without standing, without connections, without means at the ensuing elections, by which they will be surprised almost immediately on their arrival.

It is because the ministry does not guide itself according to its interests, it is domineered over by a faction whose ambition and hatred must be satiated by turns. Thus all the dangers at which it is alarmed are the result of its own errors. Will it still persist in a route which has already been so fatal to it? Will it persist in seeking its safety and ours in a useless complaisance towards an insatiable faction, in vexations always increasing and still inefficacious, in those laws of exception which nowadays wound the nation without alarming it?

But our ministers have enjoyed the laws of exception six months; and by their confession and complaints it does not appear that these laws have restored tranquillity to France. It depends upon them indeed to arrest every one; but they have had this power for six months; and for six months, if

they are to be credited on the subject, everybody is conspiring. They impose silence on the journals, but the most alarming and the least founded reports are in circulation. France fears everything, because it is told nothing; and as the price of having allowed nothing to be said, they are obliged to refute what has not been said. Would the ministers at length have recourse to these great measures, to these extreme means, to which, during a celebrated discussion, an orator less skilful than the generality of them made an imprudent allusion, and of which the journals which the ministry does not think it right to repress or contradict repeat the absurd threat?

I do not inquire what these great measures will be: the incarceration or the death of some individuals, their transportation or their interdiction, the destruction or suspension of the fundamental compact, an attack against men or things, —it is of little consequence to us; but what is of consequence to us is, that all this is possible, that all this would be inefficacious, that all this would be disastrous even for the authors of these criminal attempts.

I have described the moral disposition of the nation you govern. I have described that disposition agreeably to what you yourselves say of it. Do you think that an act of vigor, as those you persecute call it, would suddenly change this disposition? You deceive yourselves, revolutionary recollections lead you astray. When the question was the leading a people who had not yet received the severe education of misfortune; a people intoxicated with a recent victory over despotism, and restless at the duration of that victory; a people who, led to liberty by the Revolution, did not, in their ignorance, sufficiently distinguish revolution from liberty; fiery demagogues might avail themselves of their little information and draw from them a blind sentiment in favor of the

violation of the laws; but now every Frenchman knows the consequences of these criminal resources which, constituting the legal authorities into revolt against the law itself, prevent all return to justice and lawful authority.

The citizens know that they form a part of one another, they see the security of each in the security of the whole, they know that order established, consecrated, and sanctioned by oaths cannot be broken for a day or an hour; when once broken it is never re-established. The Legislative Assembly never returned to it after the 10th of August, nor the Convention after the 31st of May, nor the councils of the Republic after Fructidor. In vain they proclaimed that they and the country were saved; they perished, and the country had perished with them if nations were as perishable as power.

In fact, what is there left to a people after their constitution has been violated? Where is security? Where is confidence? Where the anchor of safety? Nothing but a spirit of usurpation is found in those who govern; a spirit which, pursuing them like remorse, frightens and drives them out of their course. Tyranny hovers over the heads of the governed. Does power wish to pronounce consoling words, to protest its future respect for a constitution which it has torn to pieces, to promise it will no more attempt it? Where is the guarantee that this fresh homage is not a fresh derision? Do the people dare, even in a partial interest, without reference to great political questions, invoke that constitution which has been trampled under foot? The very name of constitution seems a hostility. On all sides a habit of illegal means is contracted. It forms the afterthought of the government, it nourishes the spirit of the factious. With perfidious joy they contemplate power taken in its own trammels, march-

ing from convulsion to convulsion, from violence to violence, revolting justice, preparing excuses in despair, and destined to suffer the fate of those whom iniquity directs and hatred surrounds.

Such certainly will not be the destiny to which an enlightened monarch will condemn France. Ministers will not dare to advise him to it; and if they did, they would neither find in the prince an approver, nor, in the great body of the state, instruments.

And who then will take these great measures, and on what force will they rely for their execution? On the ordinances? Do we not remember the ordinances of 1815? Has opinion ceased a single moment, for these three years, to call for their revocation? The ordinances of 1815 have done much harm. They would have done still more had not their instigators been the old tools of demagogism and slavery, so that the constitutional monarchy was enabled to disown them. At the present moment the mischief that such ordinances would occasion would be without remedy.

Will they invoke the support of the Chamber of Peers? I conceive in a faction that nothing makes recede, nothing enlightens, that disposition to parodize the acts of a tyranny whose chief it detested and whose system it approved; but if this faction has its forgetfulness the nation has its recollections. It knows that the first *Senatus-Consulte* was an order for the transportation of a hundred and thirty citizens, and it has not forgotten what the *Senatus-Consultes* cost her afterward.

All authority which exceeds its bounds ceases to be legitimate; and this fundamental principle of natural, political, and civil law is corroborated by the charter. The charter points out the case in which the assembling of the Chamber of Peers

would be illicit; the simple want of royal convocation renders it so; and what the Chamber of Peers would do, trampling under foot the laws and the Charter — the Chamber of Peers proscribing individuals who have the same guarantees and are protected by the same safeguards as the first Peer in France — the Chamber of Peers suppressing or suspending political bodies which emanate from the same source as themselves, which exist by the same title — what the Chamber of Peers would do, constituting itself the rival or legatee of the Convention of the Imperial Senate, would it have any authority, any validity whatever? No; all would be null in the strongest sense of the word.

I like to pay public respect to an illustrious assembly. Such thoughts will never enter the heads of any member of the House of Peers who has occasion to identify himself with our institutions and to nationalize himself in France.

The Chamber of Peers knows both the nature of its attributes and the limits of its power. It contributes to the making the laws and to the vote of taxes, but it only participates in these things. It would be a usurpation if they voted laws without the concurrence of the other Chamber, and no one would be obliged to obey such laws. It would be a usurpation if they voted taxes without the previous discussion and consent of the deputies, and no one could be compelled to pay such taxes. For a still stronger reason it would be a flagrant usurpation if they intermeddled with the right of citizens or with the existence of other power. Their decrees, their ordinances, their judgment, their *Senatus-Consultes*, whatever they may be called, although sanctioned by the unanimity of the members, would be as little binding as the decree of the three first individuals you may meet by chance.

I have examined many arguments, I have gone through many hypotheses. The result of the considerations which I have hastily put together in these few pages appears to me easy to comprehend.

The ministry, by persevering in a system which it has followed these six months, cannot maintain itself or save France. It relies on a faction which has twenty times committed the throne and will commit it again. It makes use of those means of which all anterior governments have made use, and which have ended in the fall of all these governments. It is shaking that which time had began to consolidate.

But in the present state of civilization, the people, whatever adulators may say on the one hand, and enemies on the other, have neither affection nor hatred. The resources which individuals find in themselves, the distance which the extent of empires establishes between the governing and the governed, the enjoyments which industry procures to the latter, commerce, private speculations, and domestic life, cause every one to set his happiness, for the most part, apart from authority.

It follows, therefore, that there is not, nor can be, a doubt of the attachment of the people to some form or other of political organization. This moral disposition of the human species renders it impossible to govern long and govern badly. The example of Bonaparte by no means weakens this assertion. What must he not have been obliged to do to have governed badly for fourteen years; the conquest of the world is not a diversion that everyone has within his reach to give the people.

I wish this truth could make its way into the little minds of these little pupils of Napoleon who think they have grown large in his atmosphere because they have breathed the air

of his ante-chambers, and who repeat after him, with a ridiculous spirit of despotism, that power serves for everything; as if, being passive instruments of power, they had on that account alone learned to handle it; but this disposition of the human species, which renders it impossible to govern long and govern badly, gives to power the certitude of governing in safety when it governs well. For by the same rule, according to which no nation devotes itself to sustain a government which has put itself in a false position, no nation will expose itself in an attempt to overthrow a government when it is tolerable. The mass always prefer stability. If they depart from it, it would not be on the suggestion of the seditious, but because the government began gratuitously to interfere in their interest, their security, and their habits.

It follows further, from this moral disposition of modern nations, that when men can abjure their faults those faults are forgotten. Feeling only has memory, the indifferent are always ready to clear the table and begin at fresh account. It is only necessary to believe the sincerity of conversion, and in order that it may be believed it must exist.

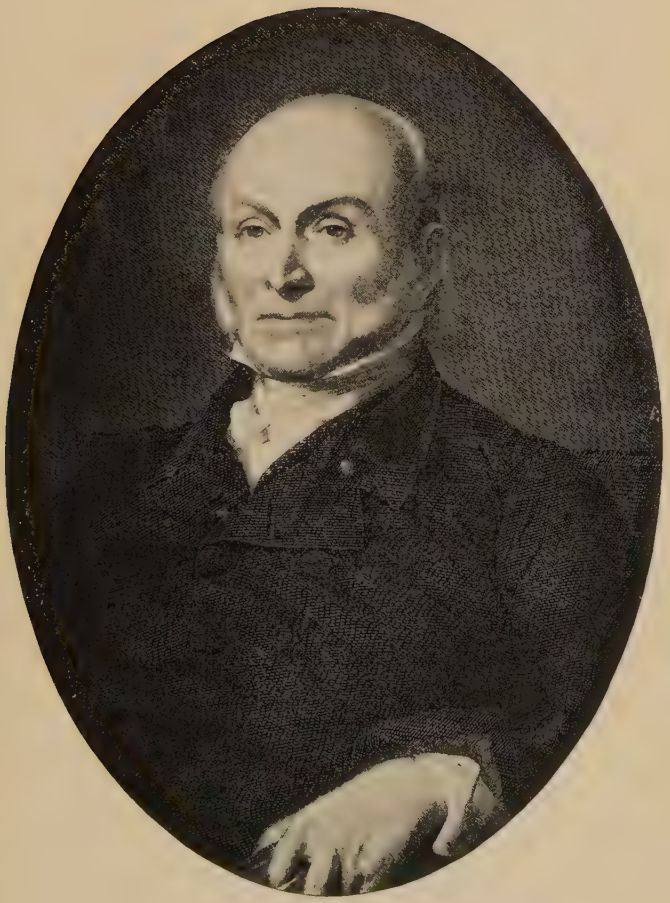
The dissolution of the present Chamber, the convocation of an assembly composed of fresh elements, is then a marvellous chance; but this chance will be spoiled in falsifying the electors by an illegal influence. If the ministry should obtain a factious majority it would not be the stronger for it; and they would run this risk in that factious majority, that if in the sequel they should come to their senses they would be prevented by it from following the light they would have acquired.

Let then the Chamber of Deputies be dissolved, let the nation return faithful representatives, and let the nation be governed at length by these ministers or by others, as they

desire or deserve to be. The fall of the ministry is equally indifferent to me as its duration. I have traced, without circumlocution and without winding, the errors of those of its members whose errors appeared to me to be the greatest; but political hatred, as political affection, are equally unknown to me. Persons are the same to me, and the past appears to me important only as it serves as a guide for the future.

JOHN QUINCY ADAMS

JOHN QUINCY ADAMS, son of President John Adams, and himself sixth President of the United States (1825–29), was born at Braintree, Mass., July 11, 1767, and died at Washington, D. C., Feb. 23, 1848. Educated at Paris and at the University of Leyden, and subsequently graduating at Harvard, he later on studied law and in 1791 was admitted to the Bar. Being a scholarly man, he wrote with distinction some political essays which gained for him, in 1794, appointment as United States Minister to the Netherlands, and he subsequently represented the nation as Minister at Berlin. Recalled in 1801, he entered the United States Senate two years later as a Federalist, but lost his seat in 1808 in consequence of his vote, given in the previous year, for Jefferson's embargo policy against France and England. After thus separating himself from the Federal party, he filled the period of his retirement from public life by acting for three years as professor of rhetoric and belles-lettres at Harvard. In 1809, he was meanwhile intrusted by Madison with the United States embassy at St. Petersburg, after which he served as one of the commissioners who negotiated the treaty of peace with Britain (1814) and for two years thereafter was our Minister at the Court of St. James. On his return to this country, in 1817, he became Secretary of State in Monroe's cabinet, a post he held throughout Monroe's administration, and was instrumental in it in bringing about the cession of Florida to the United States. In 1824, of the four candidates for the Presidency,—Jackson, Clay, Crawford, and J. Q. Adams,—all of them professing Democrats, a deadlock ensued, since no one of them had the requisite majority. The election therefore devolved on the House of Representatives, which under Clay's influence chose Mr. Adams. Four years later, on seeking reëlection, he was defeated by Jackson, and Mr. Adams for a time retired to private life, only however to be recalled in 1830 to Congress, where he represented his own district until his death by a stroke of paralysis in the Capitol. His oration at Plymouth in 1802, in memory of the Landing of the Pilgrims, given in these pages, belongs to literature and history rather than to politics.



JOHN QUINCY ADAMS

ORATION AT PLYMOUTH

DELIVERED AT PLYMOUTH, DECEMBER 22, 1802, IN COMMEMORATION OF THE LANDING OF THE PILGRIMS

AMONG the sentiments of most powerful operation upon the human heart, and most highly honorable to the human character, are those of veneration for our forefathers, and of love for our posterity. They form the connecting links between the selfish and the social passions. By the fundamental principle of Christianity, the happiness of the individual is interwoven, by innumerable and imperceptible ties, with that of his contemporaries. By the power of filial reverence and parental affection, individual existence is extended beyond the limits of individual life, and the happiness of every age is chained in mutual dependence upon that of every other. Respect for his ancestors excites, in the breast of man, interest in their history, attachment to their characters, concern for their errors, involuntary pride in their virtues. Love for his posterity spurs him to exertion for their support, stimulates him to virtue for their example, and fills him with the tenderest solicitude for their welfare. Man, therefore, was not made for himself alone. No, he was made for his country, by the obligations of the social compact; he was made for his species, by the Christian duties of universal charity; he was made for all ages past, by the sentiment of reverence for his forefathers; and he was made for all future times, by the

impulse of affection for his progeny. Under the influence of these principles,

"Existence sees him spurn her bounded reign."

They redeem his nature from the subjection of time and space; he is no longer a "puny insect shivering at a breeze"; he is the glory of creation, formed to occupy all time and all extent; bounded, during his residence upon earth, only to the boundaries of the world, and destined to life and immortality in brighter regions, when the fabric of nature itself shall dissolve and perish.

The voice of history has not, in all its compass, a note but answers in unison with these sentiments. The barbarian chieftain, who defended his country against the Roman invasion, driven to the remotest extremity of Britain, and stimulating his followers to battle by all that has power of persuasion upon the human heart, concluded his persuasion by an appeal to these irresistible feelings: "Think of your forefathers and of your posterity." The Romans themselves, at the pinnacle of civilization, were actuated by the same impressions, and celebrated, in anniversary festivals, every great event which had signalized the annals of their forefathers. To multiply instances where it were impossible to adduce an exception would be to waste your time and abuse your patience; but in the sacred volume, which contains the substance of our firmest faith and of our most precious hopes, these passions not only maintain their highest efficacy, but are sanctioned by the express injunctions of the Divine Legislator to his chosen people.

The revolutions of time furnish no previous example of a nation shooting up to maturity and expanding into greatness with the rapidity which has characterized the growth of

the American people. In the luxuriance of youth, and in the vigor of manhood, it is pleasing and instructive to look backward upon the helpless days of infancy; but in the continual and essential changes of a growing subject, the transactions of that early period would be soon obliterated from the memory but for some periodical call of attention to aid the silent records of the historian. Such celebrations arouse and gratify the kindliest emotions of the bosom. They are faithful pledges of the respect we bear to the memory of our ancestors and of the tenderness with which we cherish the rising generation. They introduce the sages and heroes of ages past to the notice and emulation of succeeding times; they are at once testimonials of our gratitude, and schools of virtue to our children.

These sentiments are wise; they are honorable; they are virtuous; their cultivation is not merely innocent pleasure, it is incumbent duty. Obedient to their dictates, you, my fellow-citizens, have instituted and paid frequent observance to this annual solemnity. And what event of weightier intrinsic importance, or of more extensive consequences, was ever selected for this honorary distinction?

In reverting to the period of our origin, other nations have generally been compelled to plunge into the chaos of impenetrable antiquity, or to trace a lawless ancestry into the caverns of ravishers and robbers. It is your peculiar privilege to commemorate, in this birthday of your nation, an event ascertained in its minutest details; an event of which the principal actors are known to you familiarly, as if belonging to your own age; an event of a magnitude before which imagination shrinks at the imperfection of her powers. It is your further happiness to behold, in those eminent characters, who were most conspicuous in accom-

plishing the settlement of your country, men upon whose virtue you can dwell with honest exultation. The founders of your race are not handed down to you, like the fathers of the Roman people, as the sucklings of a wolf. You are not descended from a nauseous compound of fanaticism and sensuality, whose only argument was the sword, and whose only paradise was a brothel. No Gothic scourge of God, no Vandal pest of nations, no fabled fugitive from the flames of Troy, no bastard Norman tyrant, appears among the list of worthies who first landed on the rock, which your veneration has preserved as a lasting monument of their achievement. The great actors of the day we now solemnize were illustrious by their intrepid valor no less than by their Christian graces, but the clarion of conquest has not blazoned forth their names to all the winds of heaven. Their glory has not been wafted over oceans of blood to the remotest regions of the earth. They have not erected to themselves colossal statutes upon pedestals of human bones, to provoke and insult the tardy hand of heavenly retribution. But theirs was "the better fortitude of patience and heroic martyrdom." Theirs was the gentle temper of Christian kindness; the rigorous observance of reciprocal justice; the unconquerable soul of conscious integrity. Worldly fame has been parsimonious of her favor to the memory of those generous companions. Their numbers were small; their stations in life obscure; the object of their enterprise unostentatious; the theatre of their exploits remote; how could they possibly be favorites of worldly Fame—that common crier, whose existence is only known by the assemblage of multitudes; that pander of wealth and greatness, so eager to haunt the palaces of fortune, and so fastidious to the houseless dignity of virtue; that parasite

of pride, ever scornful to meekness, and ever obsequious to insolent power; that heedless trumpeter, whose ears are deaf to modest merit, and whose eyes are blind to bloodless, distant excellence?

When the persecuted companions of Robinson, exiles from their native land, anxiously sued for the privilege of removing a thousand leagues more distant to an untried soil, a rigorous climate, and a savage wilderness, for the sake of reconciling their sense of religious duty with their affections for their country, few, perhaps none of them, formed a conception of what would be, within two centuries, the result of their undertaking. When the jealous and niggardly policy of their British sovereign denied them even that humblest of requests, and instead of liberty would barely consent to promise connivance, neither he nor they might be aware that they were laying the foundations of a power, and that he was sowing the seeds of a spirit, which, in less than two hundred years, would stagger the throne of his descendants, and shake his united kingdoms to the centre. So far is it from the ordinary habits of mankind to calculate the importance of events in their elementary principles, that had the first colonists of our country ever intimated as a part of their designs the project of founding a great and mighty nation, the finger of scorn would have pointed them to the cells of Bedlam as an abode more suitable for hatching vain empires than the solitude of a transatlantic desert.

These consequences, then so little foreseen, have unfolded themselves, in all their grandeur, to the eyes of the present age. It is a common amusement of speculative minds to contrast the magnitude of the most important events with the minuteness of their primeval causes, and

the records of mankind are full of examples for such contemplations. It is, however, a more profitable employment to trace the constituent principles of future greatness in their kernel; to detect in the acorn at our feet the germ of that majestic oak, whose roots shoot down to the centre, and whose branches aspire to the skies. Let it be, then, our present occupation to inquire and endeavor to ascertain the causes first put in operation at the period of our commemoration, and already productive of such magnificent effects; to examine with reiterated care and minute attention the characters of those men who gave the first impulse to a new series of events in the history of the world; to applaud and emulate those qualities of their minds which we shall find deserving of our admiration; to recognize with candor those features which forbid approbation or even require censure, and, finally, to lay alike their frailties and their perfections to our own hearts, either as warning or as example.

Of the various European settlements upon this continent, which have finally merged in one independent nation, the first establishments were made at various times, by several nations, and under the influence of different motives. In many instances, the conviction of religious obligation formed one and a powerful inducement of the adventures; but in none, excepting the settlement at Plymouth, did they constitute the sole and exclusive actuating cause. Worldly interest and commercial speculation entered largely into the views of other settlers, but the commands of conscience were the only stimulus to the emigrants from Leyden. Previous to their expedition hither, they had endured a long banishment from their native country. Under every species of discouragement, they undertook the voyage;

they performed it in spite of numerous and almost insuperable obstacles; they arrived upon a wilderness bound with frost and hoary with snow, without the boundaries of their charter, outcasts from all human society, and coasted five weeks together, in the dead of winter, on this tempestuous shore, exposed at once to the fury of the elements, to the arrows of the native savage, and to the impending horrors of famine.

Courage and perseverance have a magical talisman, before which difficulties disappear and obstacles vanish into air. These qualities have ever been displayed in their mightiest perfection, as attendants in the retinue of strong passions. From the first discovery of the Western Hemisphere by Columbus until the settlement of Virginia which immediately preceded that of Plymouth, the various adventurers from the ancient world had exhibited upon innumerable occasions that ardor of enterprise and that stubbornness of pursuit which set all danger at defiance, and chained the violence of nature at their feet. But they were all instigated by personal interests. Avarice and ambition had tuned their souls to that pitch of exaltation. Selfish passions were the parents of their heroism. It was reserved for the first settlers of New England to perform achievements equally arduous, to trample down obstructions equally formidable, to dispel dangers equally terrific, under the single inspiration of conscience. To them even liberty herself was but a subordinate and secondary consideration. They claimed exemption from the mandates of human authority, as militating with their subjection to a superior power. Before the voice of Heaven they silenced even the calls of their country.

Yet, while so deeply impressed with the sense of re-

ligious obligation, they felt, in all its energy, the force of that tender tie which binds the heart of every virtuous man to his native land. It was to renew that connection with their country which had been severed by their compulsory expatriation, that they resolved to face all the hazards of a perilous navigation and all the labors of a toilsome distant settlement. Under the mild protection of the Batavian Government, they enjoyed already that freedom of religious worship, for which they had resigned so many comforts and enjoyments at home; but their hearts panted for a restoration to the bosom of their country. Invited and urged by the open-hearted and truly benevolent people who had given them an asylum from the persecution of their own kindred to form their settlement within the territories then under their jurisdiction, the love of their country predominated over every influence save that of conscience alone, and they preferred the precarious chance of relaxation from the bigoted rigor of the English Government to the certain liberality and alluring offers of the Hollanders. Observe, my countrymen, the generous patriotism, the cordial union of soul, the conscious yet unaffected vigor which beam in their application to the British monarch:

"They were well weaned from the delicate milk of their mother country, and inured to the difficulties of a strange land. They were knit together in a strict and sacred bond, to take care of the good of each other and of the whole. It was not with them as with other men, whom small things could discourage, or small discontents cause to wish themselves again at home."

Children of these exalted Pilgrims! Is there one among you who can hear the simple and pathetic energy of these expressions without tenderness and admiration? Venerated

shades of our forefathers! No, ye were, indeed, not ordinary men! That country which had ejected you so cruelly from her bosom you still delighted to contemplate in the character of an affectionate and beloved mother. The sacred bond which knit you together was indissoluble while you lived; and oh, may it be to your descendants the example and the pledge of harmony to the latest period of time! The difficulties and dangers, which so often had defeated attempts of similar establishments, were unable to subdue souls tempered like yours. You heard the rigid interdictions; you saw the menacing forms of toil and danger, forbidding your access to this land of promise; but you heard without dismay; you saw and disdained retreat. Firm and undaunted in the confidence of that sacred bond; conscious of the purity, and convinced of the importance of your motives, you put your trust in the protecting shield of Providence, and smiled defiance at the combining terrors of human malice and of elemental strife. These, in the accomplishment of your undertaking, you were summoned to encounter in their most hideous forms; these you met with that fortitude, and combated with that perseverance, which you had promised in their anticipation; these you completely vanquished in establishing the foundations of New England, and the day which we now commemorate is the perpetual memorial of your triumph.

It were an occupation peculiarly pleasing to cull from our early historians, and exhibit before you every detail of this transaction; to carry you in imagination on board their bark at the first moment of her arrival in the bay; to accompany Carver, Winslow, Bradford, and Standish, in all their excursions upon the desolate coast; to follow them into every rivulet and creek where they endeavored to find a

firm footing, and to fix, with a pause of delight and exultation, the instant when the first of these heroic adventurers alighted on the spot where you, their descendants, now enjoy the glorious and happy reward of their labors. But in this grateful task, your former orators, on this anniversary, have anticipated all that the most ardent industry could collect, and gratified all that the most inquisitive curiosity could desire. To you, my friends, every occurrence of that momentous period is already familiar. A transient allusion to a few characteristic instances, which mark the peculiar history of the Plymouth settlers, may properly supply the place of a narrative, which, to this auditory, must be superfluous.

One of these remarkable incidents is the execution of that instrument of government by which they formed themselves into a body politic, the day after their arrival upon the coast, and previous to their first landing. This is, perhaps, the only instance in human history of that positive, original social compact, which speculative philosophers have imagined as the only legitimate source of government. Here was a unanimous and personal assent, by all the individuals of the community, to the association by which they became a nation. It was the result of circumstances and discussions which had occurred during their passage from Europe, and is a full demonstration that the nature of civil government, abstracted from the political institutions of their native country, had been an object of their serious meditation. The settlers of all the former European colonies had contented themselves with the powers conferred upon them by their respective charters, without looking beyond the seal of the royal parchment for the measure of their rights and the rule of their duties.

The founders of Plymouth had been impelled by the peculiarities of their situation to examine the subject with deeper and more comprehensive research. After twelve years of banishment from the land of their first allegiance, during which they had been under an adoptive and temporary subjection to another sovereign, they must naturally have been led to reflect upon the relative rights and duties of allegiance and subjection. They had resided in a city, the seat of a university, where the polemical and political controversies of the time were pursued with uncommon fervor. In this period they had witnessed the deadly struggle between the two parties, into which the people of the United Provinces, after their separation from the crown of Spain, had divided themselves. The contest embraced within its compass not only theological doctrines, but political principles, and Maurice and Barnevelt were the temporal leaders of the same rival factions, of which Episcopius and Polyander were the ecclesiastical champions.

That the investigation of the fundamental principles of government was deeply implicated in these dissensions is evident from the immortal work of Grotius, upon the rights of war and peace, which undoubtedly originated from them. Grotius himself had been a most distinguished actor and sufferer in those important scenes of internal convulsion, and his work was first published very shortly after the departure of our forefathers from Leyden. It is well known that in the course of the contest Mr. Robinson more than once appeared, with credit to himself, as a public disputant against Episcopius; and from the manner in which the fact is related by Governor Bradford, it is apparent that the whole English Church at Leyden took a zealous interest in the religious part of the controversy. As strangers in

the land, it is presumable that they wisely and honorably avoided entangling themselves in the political contentions involved with it. Yet the theoretic principles, as they were drawn into discussion, could not fail to arrest their attention, and must have assisted them to form accurate ideas concerning the origin and extent of authority among them, independent of positive institutions. The importance of these circumstances will not be duly weighed without taking into consideration the state of opinion then prevalent in England. The general principles of government were there little understood and less examined. The whole substance of human authority was centred in the simple doctrine of royal prerogative, the origin of which was always traced in theory to divine institution. Twenty years later, the subject was more industriously sifted, and for half a century became one of the principal topics of controversy between the ablest and most enlightened men in the nation. The instrument of voluntary association executed on board the "Mayflower" testifies that the parties to it had anticipated the improvement of their nation.

Another incident, from which we may derive occasion for important reflections, was the attempt of these original settlers to establish among them that community of goods and of labor, which fanciful politicians, from the days of Plato to those of Rousseau, have recommended as the fundamental law of a perfect republic. This theory results, it must be acknowledged, from principles of reasoning most flattering to the human character. If industry, frugality, and disinterested integrity were alike the virtues of all, there would, apparently, be more of the social spirit, in making all property a common stock, and giving to each individual a proportional title to the wealth of the whole.

Such is the basis upon which Plato forbids, in his Republic, the division of property. Such is the system upon which Rousseau pronounces the first man who inclosed a field with a fence, and said, "This is mine," a traitor to the human species. A wiser and more useful philosophy, however, directs us to consider man according to the nature in which he was formed; subject to infirmities, which no wisdom can remedy; to weaknesses, which no institution can strengthen; to vices, which no legislation can correct. Hence, it becomes obvious that separate property is the natural and indisputable right of separate exertion; that community of goods without community of toil is oppressive and unjust; that it counteracts the laws of nature, which prescribe that he only who sows the seed shall reap the harvest; that it discourages all energy, by destroying its rewards; and makes the most virtuous and active members of society the slaves and drudges of the worst. Such was the issue of this experiment among our forefathers, and the same event demonstrated the error of the system in the elder settlement of Virginia. Let us cherish that spirit of harmony which prompted our forefathers to make the attempt, under circumstances more favorable to its success than, perhaps, ever occurred upon earth. Let us no less admire the candor with which they relinquished it, upon discovering its irremediable inefficacy. To found principles of government upon too advantageous an estimate of the human character is an error of inexperience, the source of which is so amiable that it is impossible to censure it with severity. We have seen the same mistake committed in our own age, and upon a larger theatre. Happily for our ancestors, their situation allowed them to repair it before its effects had proved destructive. They

had no pride of vain philosophy to support, no perfidious rage of faction to glut, by persevering in their mistakes until they should be extinguished in torrents of blood.

As the attempt to establish among themselves the community of goods was a seal of that sacred bond which knit them so closely together, so the conduct they observed toward the natives of the country displays their steadfast adherence to the rules of justice and their faithful attachment to those of benevolence and charity.

No European settlement ever formed upon this continent has been more distinguished for undeviating kindness and equity toward the savages. There are, indeed, moralists who have questioned the right of the Europeans to intrude upon the possessions of the aboriginals in any case, and under any limitations whatsoever. But have they maturely considered the whole subject? The Indian right of possession itself stands, with regard to the greater part of the country, upon a questionable foundation. Their cultivated fields; their constructed habitations; a space of ample sufficiency for their subsistence, and whatever they had annexed to themselves by personal labor, was undoubtedly, by the laws of nature, theirs. But what is the right of a huntsman to the forest of a thousand miles over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of ten thousand for whom they were created? Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of a world? Shall he forbid the wilderness to

blossom like a rose? Shall he forbid the oaks of the forest to fall before the axe of industry, and to rise again, transformed into the habitations of ease and elegance? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howlings of the tiger and the wolf silence forever the voice of human gladness? Shall the fields and the valleys, which a beneficent God has formed to teem with the life of innumerable multitudes, be condemned to everlasting barrenness? Shall the mighty rivers, poured out by the hand of nature, as channels of communication between numerous nations, roll their waters in sullen silence and eternal solitude to the deep? Have hundreds of commodious harbors, a thousand leagues of coast, and a boundless ocean, been spread in the front of this land, and shall every purpose of utility to which they could apply be prohibited by the tenant of the woods? No, generous philanthropists! Heaven has not thus been inconsistent in the works of its hands. Heaven has not thus placed at irreconcilable strife its moral laws with its physical creation. The Pilgrims of Plymouth obtained their right of possession to the territory on which they settled, by titles as fair and unequivocal as any human property can be held. By their voluntary association they recognized their allegiance to the government of Britain, and in process of time received whatever powers and authorities could be conferred upon them by a charter from their sovereign. The spot on which they fixed had belonged to an Indian tribe, totally extirpated by that devouring pestilence which had swept the country shortly before their arrival. The territory, thus free from all exclusive possession, they might have taken by the natural right of occupancy. Desirous, however, of giving ample satisfaction to

every pretence of prior right, by formal and solemn conventions with the chiefs of the neighboring tribes, they acquired the further security of a purchase. At their hands the children of the desert had no cause of complaint. On the great day of retribution, what thousands, what millions of the American race will appear at the bar of judgment to arraign their European invading conquerors! Let us humbly hope that the fathers of the Plymouth Colony will then appear in the whiteness of innocence. Let us indulge in the belief that they will not only be free from all accusation of injustice to these unfortunate sons of nature, but that the testimonials of their acts of kindness and benevolence toward them will plead the cause of their virtues, as they are now authenticated by the record of history upon earth.

Religious discord has lost her sting; the cumbrous weapons of theological warfare are antiquated; the field of politics supplies the alchemists of our times with materials of more fatal explosion, and the butchers of mankind no longer travel to another world for instruments of cruelty and destruction. Our age is too enlightened to contend upon topics which concern only the interests of eternity; the men who hold in proper contempt all controversies about trifles, except such as inflame their own passions, have made it a commonplace censure against your ancestors, that their zeal was enkindled by subjects of trivial importance; and that however aggrieved by the intolerance of others, they were alike intolerant themselves. Against these objections, your candid judgment will not require an unqualified justification; but your respect and gratitude for the founders of the State may boldly claim an ample apology. The original grounds of their separation from the

Church of England were not objects of a magnitude to dissolve the bonds of communion, much less those of charity, between Christian brethren of the same essential principles. Some of them, however, were not inconsiderable, and numerous inducements concurred to give them an extraordinary interest in their eyes. When that portentous system of abuses, the Papal dominion, was overturned, a great variety of religious sects arose in its stead in the several countries, which for many centuries before had been screwd beneath its subjection. The fabric of the Reformation, first undertaken in England upon a contracted basis, by a capricious and sanguinary tyrant, had been successively overthrown and restored, renewed and altered, according to the varying humors and principles of four successive monarchs. To ascertain the precise point of division between the genuine institutions of Christianity and the corruptions accumulated upon them in the progress of fifteen centuries, was found a task of extreme difficulty throughout the Christian world.

Men of the profoundest learning, of the sublimest genius, and of the purest integrity, after devoting their lives to the research, finally differed in their ideas upon many great points, both of doctrine and discipline. The main question, it was admitted on all hands, most intimately concerned the highest interests of man, both temporal and eternal. Can we wonder that men who felt their happiness here and their hopes of hereafter, their worldly welfare and the kingdom of heaven at stake, should sometimes attach an importance beyond their intrinsic weight to collateral points of controversy, connected with the all-involving object of the Reformation? The changes in the forms and principles of religious worship were introduced and regulated in England by

the hand of public authority. But that hand had not been uniform or steady in its operations. During the persecutions inflicted in the interval of Popish restoration under the reign of Mary, upon all who favored the Reformation, many of the most zealous reformers had been compelled to fly their country. While residing on the continent of Europe, they had adopted the principles of the most complete and rigorous reformation, as taught and established by Calvin. On returning afterward to their native country, they were dissatisfied with the partial reformation, at which, as they conceived, the English establishment had rested; and claiming the privilege of private conscience, upon which alone any departure from the Church of Rome could be justified, they insisted upon the right of adhering to the system of their own preference, and, of course, upon that of non-conformity to the establishment prescribed by the royal authority. The only means used to convince them of error and reclaim them from dissent was force, and force served but to confirm the opposition it was meant to suppress. By driving the founders of the Plymouth Colony into exile, it constrained them to absolute separation from the Church of England; and by the refusal afterward to allow them a positive toleration, even in this American wilderness, the council of James I. rendered that separation irreconcilable. Viewing their religious liberties here, as held only by sufferance, yet bound to them by all the ties of conviction, and by all their sufferings for them, could they forbear to look upon every dissenter among themselves with a jealous eye? Within two years after their landing, they beheld a rival settlement attempted in their immediate neighborhood; and not long after, the laws of self-preservation compelled them to break up a nest of rev-

ellers, who boasted of protection from the mother country, and who had recurred to the easy but pernicious resource of feeding their wanton idleness, by furnishing the savages with the means, the skill, and the instruments of European destruction. Toleration, in that instance, would have been self-murder, and many other examples might be alleged, in which their necessary measures of self-defence have been exaggerated into cruelty, and their most indispensable precautions distorted into persecution. Yet shall we not pretend that they were exempt from the common laws of mortality, or entirely free from all the errors of their age. Their zeal might sometimes be too ardent, but it was always sincere. At this day, religious indulgence is one of our clearest duties, because it is one of our undisputed rights. While we rejoice that the principles of genuine Christianity have so far triumphed over the prejudices of a former generation, let us fervently hope for the day when it will prove equally victorious over the malignant passions of our own.

In thus calling your attention to some of the peculiar features in the principles, the character, and the history of our forefathers, it is as wide from my design, as I know it would be from your approbation, to adorn their memory with a chaplet plucked from the domain of others. The occasion and the day are more peculiarly devoted to them, and let it never be dishonored with a contracted and exclusive spirit. Our affections as citizens embrace the whole extent of the Union, and the names of Raleigh, Smith, Winthrop, Calvert, Penn and Oglethorpe excite in our minds recollections equally pleasing and gratitude equally fervent with those of Carver and Bradford. Two centuries have not yet elapsed since the first European

foot touched the soil which now constitutes the American Union. Two centuries more and our numbers must exceed those of Europe itself. The destinies of this empire, as they appear in prospect before us, disdain the powers of human calculation. Yet, as the original founder of the Roman State is said once to have lifted upon his shoulders the fame and fortunes of all his posterity, so let us never forget that the glory and greatness of all our descendants is in our hands. Preserve in all their purity, refine, if possible, from all their alloy, those virtues which we this day commemorate as the ornament of our forefathers. Adhere to them with inflexible resolution, as to the horns of the altar; instil them with unwearied perseverance into the minds of your children; bind your souls and theirs to the national union as the chords of life are centred in the heart, and you shall soar with rapid and steady wing to the summit of human glory. Nearly a century ago, one of those rare minds to whom it is given to discern future greatness in its seminal principles, upon contemplating the situation of this continent, pronounced, in a vein of poetic inspiration, "Westward the star of empire takes its way." Let us unite in ardent supplication to the Founder of nations and the Builder of worlds, that what then was prophecy may continue unfolding into history—that the dearest hopes of the human race may not be extinguished in disappointment, and that the last may prove the noblest empire of time.

ANDREW JACKSON

Andrew Jackson, American statesman and general, and seventh President of the United States (1829–37), was born at the Waxhaw Settlement, N. C., March 15, 1767, and died at the Hermitage, near Nashville, Tenn., June 8, 1845. He was of Scotch-Irish parentage, his father dying just before the birth of his son, and he practically had only the most rudimentary education, for his mother, with two of his brothers, died from hardships sustained during the Revolutionary War. In the latter young Jackson had a bitter experience, being taken prisoner to Camden by the British when the troops overran the whole of South Carolina. Later on, he studied law in his native State and began to practice his profession at Nashville, Tenn. In the latter State, despite its then rough, primitive condition, Jackson laid the beginnings of his successful career, becoming in 1796–97 member for Congress and United States Senator, having first aided in the framing of a constitution for Tennessee, and in Congress opposing the Jay Treaty with England and Hamilton's financial measures in Washington's administration. From 1798 to 1804 he was judge of the supreme court of Tennessee, and in 1807 we find him attacking Jefferson and championing Aaron Burr when that wily politician was under trial for treason. With the year 1813, Jackson assumed the effective rôle of Indian fighter, taking command in a campaign against the Creek warriors who were then marauding and massacring in Alabama and Georgia. In the following year, with the rank of major-general in the regular army. he took part against the British in the War of 1812–14, stormed and captured Pensacola, and stoutly defended New Orleans and inflicted a severe defeat on the British under Pakenham (Jan. 8, 1815). In 1817–18, he took the field again, this time against the Seminoles in Florida who were marauding on the borders, on putting down which the territory was purchased from Spain, and Jackson was appointed Governor of the new State. In 1823, he was elected to the United States Senate, and in the following year was unsuccessful candidate for the Presidency. In 1828, he however became Chief Magistrate of the Nation, as Democratic President, and was elected for a second term in 1832. "In 1828," observes Professor Hart, "there was practically but one issue — a personal choice between John Quincy Adams and Jackson. Not one of the voters knew Jackson's opinions on the tariff or internal improvements — the only questions on which a political issue could have been made. It was a strife between democracy and tradition. A change of 26,000 votes would have given to John Quincy Adams the vote of Pennsylvania and the election; but it could only have delayed the triumph of the masses. Jackson swept every southern and western State, and received 650,000 popular votes against 500,000 for Adams." During his administration the "spoils system" was inaugurated in Federal politics, the bill for rechartering the United States Bank was vetoed and South Carolina's attempt to nullify Federal statutes was defeated. In his relations with foreign countries, he secured the payment by France of the American claims for spoliations on our commerce, and effected a settlement of long-standing disputes with Denmark and Spain.

STATE RIGHTS AND FEDERAL SOVEREIGNTY

SECOND INAUGURAL ADDRESS, DELIVERED MARCH 4, 1833

Fellow-Citizens:

THE will of the American people, expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of President of the United States for another term. For their approbation of my public conduct through a period which has not been without its difficulties, and for this renewed expression of their confidence in my good intentions, I am at a loss for terms adequate to the expression of my gratitude.

It shall be displayed to the extent of my humble abilities in continued efforts so to administer the government as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years which have necessarily called forth—sometimes under circumstances the most delicate and painful—my views of the principles and policy which ought to be pursued by the general government that I need on this occasion but allude to a few leading considerations connected with some of them.

The foreign policy adopted by our government soon after the formation of our present Constitution, and very generally pursued by successive administrations, has been crowned with almost complete success, and has elevated our character among the nations of the earth. To do justice to all and to submit to wrong from none has been during

my administration its growing maxim, and so happy have been its results that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted.

In the domestic policy of this government, there are two objects which especially deserve the attention of the people and their representatives, and which have been and will continue to be the subjects of my increasing solicitude. They are the preservation of the rights of the several States and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere, in conformity with the public will constitutionally expressed. To this end it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States and of the United States which the people themselves have ordained for their own government.

My experience in public concerns and the observation of a life somewhat advanced confirm the opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the general government encroaches upon the rights of the States, in the same proportion does it impair its own power and detract from its ability to fulfil the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional

powers in arresting measures which may directly or indirectly encroach upon the rights of the States or tend to consolidate all political power in the general government. But of equal, and, indeed, of incalculable importance is the union of these States, and the sacred duty of all to contribute to its preservation by a liberal support of the general government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved; without union they never can be maintained. Divided into twenty-four, or even a smaller number, of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies, and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest.

The eyes of all nations are fixed on our Republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our Federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it, and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the Constitution and to transmit unimpaired to posterity the blessings of our Federal Union. At the same time it will be my aim to inculcate by my official acts the necessity of exercising by the general government those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community and of all portions of the Union. Constantly bearing in mind that in entering into society "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster with our brethren in all parts of the country a spirit of liberal concession and compromise, and, by reconciling our fellow-citizens to those partial sacrifices which they must unavoidably make for the preservation of a greater good, to recommend our invaluable government and Union to the confidence and affections of the American people.

Finally, it is my most fervent prayer to that Almighty Being before whom I now stand, and who has kept us in his hands from the infancy of our Republic to the present day, that he will so overrule all my intentions and actions and inspire the hearts of my fellow citizens that we may be preserved from dangers of all kinds and continue forever a united and happy people.

FAREWELL ADDRESS

FELLOW CITIZENS,— Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interests of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I cannot hope that it has at all times been free from errors.

But I have the consolation of knowing that if mistakes have been committed they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust I leave this great people prosperous and happy, in the full enjoyment of liberty and peace, and honored and respected by every nation of the world. . . . .

Our constitution is no longer a doubtful experiment; and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns there is everything to encourage us; and if you are true to yourselves nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvement, by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race — the original dwellers in our land — are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the general government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation and to preserve the blessing of peace, our intercourse with them has been conducted on the part of this government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and

with a limited and, I trust, a temporary exception, our relations with every foreign power are now of the most friendly character, our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the federal constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who framed it; and has proved that in the union of these States there is a sure foundation for the brightest hopes of freedom and for the happiness of the people. At every hazard and by every sacrifice this union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the union was earnestly pressed upon his fellow citizens by the Father of his Country in his farewell address. He has there told us that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds;" and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations as one of the means which might disturb our union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen should be cherished in the heart of every citizen to the latest generation; and perhaps at no period of time could they be more usefully remembered than at the present moment. For when we look upon the scenes that are passing around us, and dwell upon the pages of his

parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy foretelling events and warning us of the evil to come. Forty years have passed since that imperishable document was given to his countrymen. The federal constitution was then regarded by him as an experiment, and he so speaks of it in his address; but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended nation has felt its blessings and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the South against the North, and the North against the South, and to force into the controversy the most delicate and exciting topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the chief magistrate, as if it were desired that he should favor a particular quarter of the country instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been formed to sever the

Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feeling of State pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and be determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present constitution; the proud name they

bear as citizens of this great republic,—if these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off; new leaders would spring up; and this great and glorious republic would soon be broken into a multitude of petty States armed for mutual aggressions, loaded with taxes to pay armies and leaders; seeking aid against each other from foreign powers, insulted and trampled upon by the nations of Europe, until, harassed with conflicts, and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this government, and not feel indignant when we hear cold calculations about the value of the Union and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors; and, when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired it is abso-

lutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts or repealed by Congress, no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government, and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression on the part of the government as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people; and no citizen who loves his country would in any case whatever resort to forcible resistance unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country be arrayed in arms against those of another in doubtful conflict, let the battle

result as it may, there will be an end of the Union, and with it an end of the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family mutually contributing to promote the happiness of each other. Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of that measure proper to secure

the safety of its citizens and promote their happiness; and all efforts on the part of the people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the general government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens in every quarter of our country are capable of attaining a high degree of prosperity and happiness without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered, it naturally provokes resentments which cannot be always allayed. Justice,

full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national. . . .

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain that object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as her extended and still increasing commerce, point to the navy as our natural means of defence. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in a season of peace, and with an overflowing revenue, that we can year after year add to its strength without increasing the burdens of the people. It is your true policy. For your navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defence its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a

hostile force advancing from the ocean and selecting its object; but they are indispensable to prevent cities from bombardment; dock-yards and navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships of weaker squadrons when pressed by superior force. Fortifications of this description cannot be too soon completed and armed and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our military armed, we need not fear that any nation will wantonly insult us or needlessly provoke hostilities. We shall more certainly preserve peace when it is well understood that we are prepared for war.

In presenting to you, my fellow citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the republic. Our growth has been rapid beyond all former example, in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man; and from the earliest ages of history to the present day there never have been thirteen millions of people associated together in one political body, who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civil-

ized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you, as the guardians of freedom, to preserve it for the benefit of the human race. May he who holds in his hands the destinies of nations make you worthy of the favors he has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend to the end of time the great charge he has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that he has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

CHÂTEAUBRIAND

FRANÇOIS RENÉ AUGUSTE, VISCOUNT CHÂTEAUBRIAND, French statesman, rhetorician, and author, was born at St. Malo, Brittany, Sept. 14, 1768, and died at Paris, July 4, 1848. After an education at Dol and Rennes, and turning from the Church to which he had been destined, he entered the army; but at the outbreak of the Revolution he left the service, intending at first to proceed to India, but changed his mind and sought the New World instead. Here he first thought of engaging in that will o' the wisp, a Northwest passage, but turned aside into the then wilds of Canada and lived among the Indians — his experience during which he afterward wove into the romantic idyll of "Atala." Returning to France from his travels in America, he found his country in the throes of revolution, and his King sent to the guillotine. He therefore joined the ranks of the *émigrés* and settled for a time in obscurity in England. In 1797, appeared his "Essay on Revolutions," which he subsequently recanted having written, and in which he takes the ground of "mediator between royalist and revolutionary ideas," manifests himself as a freethinker in religion, and in philosophy "imbued with the spirit of Rousseau." A change in his religious views was, however, to follow the death of his mother and his return to France, where in 1801 "Atala" was published, for on the heels of that work appeared the author's "Genius of Christianity," on the eve of Napoleon's reëstablishment of the Christian religion, for which Châteaubriand's essay would seem opportunely to have prepared the way. The success of that work was great and immediate, for it was written with great charm of style, and presented Christianity in brilliant though poetic colors. Napoleon's appreciation was extended personally to the author, whom he appointed secretary to the French embassy at Rome and later minister plenipotentiary to the republic of the Canton of Valais, a post which he resigned, however, on the execution in 1804 of the Duke d'Enghien. Subsequently, he set out on a pilgrimage through the Holy Land, the fruit of which appeared later in his "Itinerary of Travel," most picturesquely written, and in his prose epic, "The Martyrs," also a tale entitled "The Last of the Abencerrages," composed amid the ruins of the Alhambra. Returning to France, he henceforth employed himself in politics and in the writing of a *brochure*, entitled "Bonaparte and the Bourbons." This was issued in 1814, when Napoleon was almost at the end of his phenomenal career, and the Restoration of the Monarchy was about to be accomplished. So timely was the issue of the work and so earnest was his support of the Bourbons, that Louis XVIII declared the essay to have been worth to him the equivalent of 100,000 men. Its writer was gratefully given place at the council-board of the restored monarch, and became successively ambassador at Berlin, and at London, delegate to the Congress of Verona (1822), and Minister of Foreign Affairs (1822–24). He had previously been elected a

member of the French Academy and created a Peer of France. Meanwhile, the revolution of 1830 occurred, and Châteaubriand showing his legitimist leanings, refused to take the oath to Louis Philippe, and thus lost his pension and his peerage, and retired to a rather moody and impoverished life, brightened only by the society of Béranger and Madame Récamier. To the day of his death he continued to be half-republican, half-royalist, always a man of sentiment rather than of intelligible principle. "In France," observes a writer, "he is significant as marking the transition from the old classical to the modern romantic school. He belongs to the latter by the idiosyncrasy of his genius, to the former by the comparative severity of his taste. . . . His palette, always brilliant, is never gaudy; he is not merely a painter, but an artist."

GOVERNMENT INTERVENTION

I SHALL at once set aside the personal objections, for private feelings must have no place here. I have no reply to make to mutilated pieces, printed by means unknown to me in foreign gazettes. I commenced my ministerial career with the honorable member who spoke last, during the Hundred Days, when we each had a portfolio *ad interim*, he at Paris and I at Ghent. I was then writing a romance; he was employed on history; I still adhere to romance.

I am about to examine the series of objections presented at this tribune. These are numerous and diversified; but that I may not go astray in so vast a field, I shall arrange them under different heads.

Let us first examine the question of intervention. Has one government a right to intervene in the internal affairs of another government? This great question of public right has been resolved in opposite ways; those who have connected it with natural law, as Bacon, Puffendorf, Grotius, and all the ancients, are of opinion that it is permitted to take up arms, in the name of human society, against a people who violate the principles upon which general order

is based, in the same manner as in private life we punish common disturbers of the peace. Those who look upon the question as a point of civil law maintain, on the contrary, that one government has no right to intervene in the affairs of another government. Thus, the former place the right of intervention in our duties, and the latter in our interests.

Gentlemen, I adopt the principle laid down by the civil law; I take the side of modern politicians, and I say with them, no government has a right to intervene in the internal affairs of another government. In fact, if this principle were not admitted, and especially by peoples who enjoy a free constitution, no nation could be free on its own soil; for the corruption of a minister, or the ambition of a king, would be sufficient to occasion an attack upon any state which should endeavor to improve its condition. To the various causes of war, already too numerous, you would thereby add a perpetual principle of hostility, a principle of which every man in possession of power would be the judge, because he would always have the right of saying to his neighbors: "Your institutions displease me; change them, or I shall declare war against you."

I hope my honorable opponents will acknowledge that I explain myself frankly. But in presenting myself in this tribune to maintain the justice of our intervention in the affairs of Spain, how am I to escape from the principle which I myself have enounced? You shall see, gentlemen.

When modern politicians had rejected the right of intervention, by quitting the natural, to place themselves within the civil law, they found themselves very much embarrassed. Cases occurred in which it was impossible to abstain from intervention without putting the state in danger. At the commencement of the Revolution it was said: "Let

the colonies perish rather than a principle!" and the colonies accordingly perished. Was it right to say also: "Let social order perish rather than a principle?" That they might not be wrecked against the very rule they had established, they had recourse to an exception, by means of which they returned to the natural law, and said: "No government has a right to intervene in the internal affairs of a nation, unless in such a case as may compromise the immediate safety and essential interests of that government." I shall presently quote the authority from which I borrow these words.

The exception, gentlemen, does not appear to me more questionable than the rule; no state can allow its essential interests to perish, under the penalty of perishing itself as a state. Having reached this point of the question, the whole face of it is changed—we find ourselves altogether upon different ground. I am no longer bound to contest the rule, but to prove that the case of exception has occurred for France.

Before I adduce the motives which justify your intervention in the affairs of Spain, I ought first, gentlemen, to support my statement on the authority of examples. I shall frequently have occasion in the course of my speech to speak of England, since my honorable opponents quote it every moment against us, in their extempore, as well as in their written and printed speeches. It was Great Britain alone who defended these principles at Verona, and it is she alone who now rises against the right of intervention; it is she who is ready to take up arms for the cause of a free people; it is she that reproves an impious war, hostile to the rights of man—a war which a little bigoted and servile faction wishes to undertake, to return on its conclusion to

burn the French charter, after having rent to pieces the Spanish constitution. Is not that it, gentlemen? We shall return to all these points; but first let us speak of the intervention.

I fear that my honorable opponents have made a bad choice of their authority. England, say they, has set us a great example by protecting the independence of nations. Let England, safe amid her waves, and defended by ancient institutions—let England—which has not suffered either the disasters of two invasions or the disorders of a thirty years' revolution—think that she has nothing to fear from Spain, and feel averse to intervene in her affairs, nothing certainly can be more natrual; but does it follow that France enjoys the same security, and is in the same position? When, under other circumstances, the essential interests of Great Britain have been compromised, did she not for her own safety, and very justly without doubt, derogate from the principles which are now invoked in her name?

England, on going to war with France, promulgated, in the month of November, 1793, the famous declaration of Whitehall. Permit me, gentlemen, to read a passage of it for you. The document commences by recalling the calamities of the Revolution, and then adds:

"The intentions set forth of reforming the abuses of the French government, of establishing upon a solid basis personal liberty and the rights of property, of securing to a numerous people a wise legislation, an administration, and just and moderate laws—all these salutary views have unhappily disappeared; they have given place to a system destructive of all public order, maintained by proscriptions, by banishment, by confiscations without number, by arbitrary imprisonment and by massacres, the memory of which is frightful. The inhabitants of this unhappy country, so

long deceived by promises of happiness, always renewed at the epoch of every fresh crime, have been plunged into an abyss of calamities without example.

"This state of affairs cannot subsist in France, without implicating in one common danger all the neighboring powers, without giving them the right, without imposing upon them the duty of arresting the progress of an evil which only exists by the successive violation of all laws and every sense of propriety, and by the subversion of the fundamental principles which unite men, by the ties of social life. His Majesty certainly does not mean to dispute with France the right of reforming its laws; he would never wish to influence by external force the mode of government of an independent state: nor does he desire it now but in so far as this object has become essential to the peace and security of other powers. Under these circumstances he demands of France, and his demand is based upon a just title, the termination at length of a system of anarchy which is only powerful in doing wrong, incapable of fulfilling toward the French people the first duty of government, to repress the disturbances and to punish the crimes which daily multiply in the interior of the country; but, on the contrary, disposing in an arbitrary manner of their lives and property, to disturb the peace of other nations, and to make all Europe the theatre of similar crimes and like calamities. He demands of France the establishment of a stable and legitimate government, founded on the recognized principles of universal justice, and calculated to maintain with other nations the customary relations of union and of peace. The king, on his part, promises beforehand a suspension of hostilities; friendship in so far as he may be permitted by events which are not at the disposal of the human will; and safety and protection to all those who, declaring themselves for a monarchical government, shall withdraw themselves from the despotism of an anarchy which has broken all the most sacred ties of society, rent asunder all the relations of civil life, violated all rights, confounded all duties;

availing itself of the name of liberty to exercise the most cruel tyranny, to annihilate all property, to seize upon all estates, founding its power on the pretended consent of the people, and ruining whole provinces with fire and sword, for having reclaimed their laws, their religion, and their legitimate sovereign!"

Well, gentlemen, what think you of this declaration? Did you not imagine that you were listening to the very speech pronounced by the king at the opening of the present session; but that speech developed, explained, and commented upon with equal force and eloquence? England says she acts in concert with her allies, and we should be thought criminal in also having allies! England promises assistance to French royalists, and it would be taken ill if we were to protect Spanish royalists! England maintains that she has the right of intervening to save herself and Europe from the evils that are desolating France, and we are to be interdicted from defending ourselves from the Spanish contagion! England rejects the pretended consent of the French people; she imposes upon France, as the price of peace, the condition of establishing a government founded on the principles of justice, and calculated to maintain the customary relations with other states, and we are to be compelled to recognize the pretended sovereignty of the people, the legality of a constitution established by a military revolt, and we are not to have the right of demanding from Spain, for our security, institutions legalized by the freedom of Ferdinand!

We must, however, be just: when England published this famous declaration, Marie Antoinette and Louis XVI. were no more. I acknowledge that Marie Josephine is, as yet, only a captive, and that nothing has yet been shed but

her tears; Ferdinand, also, is at present only a prisoner in his palace, as Louis XVI. was in his, before he went to the Temple and thence to the scaffold. I do not wish to calumniate the Spaniards, but neither do I wish to estimate them more highly than my own countrymen. Revolutionary France produced a Convention, and why should not revolutionary Spain produce one also? Shall I be told that by accelerating the movement of intervention we shall make the position of the monarch more perilous? But did England save Louis XVI. by refusing to declare herself? Is not the intervention which prevents the evil more useful than that by which it is avenged? Spain had a diplomatic agent at Paris at the period of the celebrated catastrophe, and his prayers could obtain nothing. What was this family witness doing there? He was certainly not required to authenticate a death that was known to earth and heaven. Gentlemen, the trials of Charles I. and of Louis XVI. are already too much for the world, but another judicial murder would establish, on the authority of precedents, a sort of criminal right and a body of jurisprudence for the use of subjects against their kings.

DE WITT CLINTON

DE WITT CLINTON, an American lawyer and statesman, was born at Little Britain, Orange Co., N. Y., March 2, 1769, and died at Albany, N. Y., Feb. 11, 1828. He was the son of General James Clinton, and was educated at Columbia College and admitted to the Bar in 1788. Entering upon public life as an anti-Federalist, and after serving in both houses of the State legislature, he became a United States Senator from New York in 1802. He was one of the most popular men in New York City and served as its mayor, with two brief intermissions, during the years 1803 and 1815. Clinton was opposed to the second war with England, and was nominated for the presidency in 1812 by the Republican members of the New York legislature, but was defeated. In 1815, he presented to the legislature a memorial ably urging the construction of the Erie Canal, the bill for which was passed in 1817. The promotion of this enterprise, in spite of the opposition of those who deemed the scheme visionary, constitutes his title to remembrance. Clinton was governor of New York from 1817 to 1823, and was again chosen governor in 1825, signalizing his terms of office by constant efforts for general education and the advancement of science. When the Erie Canal was formally opened, in 1825, the governor was conveyed in a barge along its length, with great state and ceremony, and amid the rejoicings of the thousands of people gathered on its banks. His published writings include "Memoir on the Antiquities of Western New York" (1818); "Letters on the Natural History and Internal Resources of New York" (1822); "Speeches to the Legislature" (1823), besides a number of literary and historical addresses. His personal appearance is described as being "tall and well-formed, of majestic presence, and dignified manners."

PHI BETA KAPPA ADDRESS

DELIVERED AT SCHENECTADY, JULY 22, 1823

MR. PRESIDENT AND GENTLEMEN OF THE SOCIETY,—In accepting the honor of your renewed invitations to appear at this place, I have not been insensible of your kind preference; and when you were pleased to intimate that the deep interest of science in exhibitions of this nature might be promoted by my co-operation I considered it my imperative duty to yield a cheerful compliance.

When I endeavor to enforce those considerations which ought to operate upon us generally as men, and particularly

as Americans, to attend to the cultivation of knowledge, you will not, I am persuaded, expect that I shall act the holiday orator or attempt an ambitious parade, an ostentatious display, or a gaudy exhibition, which would neither suit the character of the society, the disposition of the speaker, the solemnity of the place, or the importance of the occasion.

What I say shall come strictly within the purview of the institution, shall be comprised in the language of unvarnished truth, and shall be directed with an exclusive view to advance the interests of literature. I shall not step aside to embellish or to dazzle, to cull a flower or to collect a gem. Truth, like beauty, needs not the aid of ornament, and the cause of knowledge requires no factitious assistance, for it stands on its own merits, supporting and supported by the primary interests of society, and deriving its effulgent light from the radiations of heaven.

Man without cultivation differs but little from the animals which resemble him in form. His ideas would be few and glimmering, and his meaning would be conveyed by signs or by confused sounds. His food would be the acorn or locust, his habitation the cave, his pillow the rock, his bed the leaves of the forest, his clothes the skins of wild beasts.

Destitute of accommodations he would roam at large seeking for food and evincing in all his actions that the state of untutored nature is a state of war. If we cast our eyes over the pages of history, or view the existing state of the world, we will find that this description is not exaggerated or overcharged. Many nations are in a condition still more deplorable and debased, sunk to the level of brutes, and neither in the appearance of their bodies or in the character of their minds bearing a resemblance to civilized humanity. Others are somewhat more advanced, and begin to feel the

dayspring from on high, while those that have been acclimated to virtue and naturalized to intelligence have passed through a severe course of experiments and a long ordeal of sufferings.

Almost all the calamities of man, except the physical evils which are inherent in his nature, are in a great measure to be imputed to erroneous views of religion or bad systems of government; and these cannot be co-existent for any considerable time with an extensive diffusion of knowledge. Either the predominance of intelligence will destroy the government, or the government will destroy it. Either it will extirpate superstition and enthusiasm, or they will contaminate its purity and prostrate its usefulness. Knowledge is the cause as well as the effect of good government. . . .

Let us then be vigilant and active in the great and holy cause of knowledge. The field of glory stretches before you in wide expanse. Untrodden heights and unknown lands surround you. Waste not, however, your energies on subjects of a frivolous nature, of useless curiosity, or impracticable attainment. Books have been multiplied to designate the writer of Junius — the Man in the Iron Mask has exercised the inquisitorial attention of Europe — and perpetual motion, the philosopher's stone, and the immortal elixir, have destroyed the lives and fortunes of thousands.

Genuine philosophy has sometimes its aberrations, and, like the Spartan king or Roman emperor, mingles in the amusements of children. The sceptre of science is too often surrounded by toys and baubles, and even Linnæus condescended to amuse his fancy with the creation of vegetable dials and oriental pearls. Innovation without improvement, and experiments without discoveries, are the rocks on which ingenuity is too often shipwrecked.

"*Omne ignotum pro magnifico*,"[1] said the profound historian of Rome.[2] Wonder is the child of ignorance, and vanity the offspring of imbecility. Let us be astonished at nothing but our own apathy, and cease to be vain even of our virtues. The fragrance of the humble lily of the valley, and of the retiring eglantine of the woods, is more grateful to genuine taste than the expressed odor of the queen of flowers, or the most costly products of the chemical alembic.

In our literary pursuits let us equally reject a blind credulity that believes every fable, and a universal pyrrhonism that repudiates all truths — a canine appetite, which devours everything, however light, and digests nothing, however alimentary — and a fastidious taste, which delights not in the nutritious viand, but seeks its gratification in the aromatic desert.

The waters of ancient learning ought to be drunk at the fountain head in preference to the streams. We are too prone to rely on references, quotations, abridgments and translations. The consequence is, that the meaning of the original frequently reaches us in a perverted or erroneous shape; its ethereal spirit evaporates by a change of conveyance, and we lose our acquaintance with the learned languages.

A fault equally common and more humiliating is an idolatrous veneration for the literary men of Europe. This intellectual vassalage has been visited by high-toned arrogance and malignant vituperation. Harmless indeed is the calumny, and it recoils from the object like the javelin thrown by the feeble hand of old Priam; but it ought to combine with other inducements to encourage a vernacular literature

[1] "Everything unknown is exaggerated." [2] Tacitus.

and to cause us to bestow our patronage upon more meritorious works of our own country.

We have writers of genius and erudition who form a respectable profession. Some have ascended the empyreal heights of poesy and have gathered the laurel wreaths of genius; others have trodden the enchanted ground of fictitious narrative and have been honored by the tears of beauty and the smiles of virtue. While several have unfolded the principles of science, literature, philosophy, jurisprudence, and theology, and have exalted the intellectual glory of America, let us cherish the hope that some at least will devote their faculties to improve those arts and sciences on which the substantial interests of our country so greatly depend.

I refer particularly to agriculture, civil engineering, and naval architecture. Let us also trust that some vigorous minds will apply their powers to the illustration of our history. It has been said, with more point than truth, that the annals of modern colonies afford but two memorable events — the foundation, and the separation from the parent country.

If this observation had been so qualified as to refer to those occurrences as the most memorable, not as the only memorable events, it would undoubtedly have been correct. The colonial history of New York, although imperfectly executed and brought down only to 1732, is fertile of instruction and replete with interest. The translations of the erudite Vanderkemp, and the collections of the Historical Society of New York, have furnished the most ample materials; and whenever it is given to the world by a master-hand it will be a complete refutation of the remark which I have quoted. Is it too much to say that we have no good history of the United States, and that the best account of our independence is written by Botta, an Italian?

At this moment a respectable mechanic of the city of London is collecting materials for writing our history. He is favorably noticed by distinguished members of Parliament; and although his mind has not been disciplined by a liberal education, yet its productions display vigorous and cultivated powers. Let this stimulate us to similar and animated exertions, and let not our writers despair of ultimate success, even if their efforts are attended with partial failures.

Experience certainly brightens the vista of futurity; but they must expect that their fate will be determined sooner or later by intrinsic merit. Those writings that emit no effulgence and communicate no information will fall still-born from the press and plunge at once into the abyss of obscurity. Others again will dazzle as they glide rapidly over the literary horizon and be seen no more. Some, after basking in the meridian sunshine, will gradually undergo a temporary eclipse; but time will dispense justice and restore their original splendor.

> "So sinks the day-star in the ocean's bed,
> And yet anon repairs his drooping head,
> And tricks his beams, and with new-spangled ore,
> Flames in the forehead of the morning sky." [1]

A fortunate few are always in the full blaze of sublime glory. They are the phœnixes of the age, the elect of genius, and the favorites of nature and of heaven.

There is nothing "under heaven's wide hollowness" [2] which does not furnish aliment for the mind. All that we observe by the organs of sense, and all that we perceive by the operations of the understanding — all that we contemplate in retrospect, at the present, or in the future, may be compounded or decomposed in the intellectual laboratory, for beneficial purposes.

[1] Milton. [2] Spenser.

The active mind is always vigilant, always observing. The original images which are created by a vivid imagination, the useful ideas which are called up by memory, and the vigorous advances of the reasoning power into the regions of disquisition and investigation, furnish full employment for the most powerful mind; and after it is fully stored with all the productions of knowledge, then the intellect has to employ its most important functions in digesting and arranging the vast and splendid materials. And if there be anything in this world which can administer pure delight, it is when we summon our intellectual resources, rally our mental powers, and proceed to the investigation of a subject distinguished for its importance and complexity, and its influence on the destinies of man.

If science were to assume a visible form, like the fabled muses of the ancient mythology, all men would be ready to exclaim with the poet —

> —"her angel's face,
> As the great eye of heaven shined bright,
> And made a sunshine in a shady place;
> Did never mortal eye behold such heavenly grace."

But, alas! it is a blessing not without its alloy Its sedentary occupations and its severe exercises of the mind impair the health, and hypochondria, the Promethean vulture of the student, poisons for a time all the sources of enjoyment. Add to this the tortures of hope deferred and of expectation disappointed. After nights without sleep, and days without repose, in the pursuit of a favorite investigation; after tasking the mind and stretching all its faculties to the utmost extent of exertion,—when the golden vision of approaching fame dazzles the eye in the distance, and the hand is extended to taste the fruit and to reap the harvest, the airy castles,

the gorgeous palaces of the imagination, vanish like enchanted ground and disappear like the baseless fabric of a vision.

From such perversities of fortune the sunshine of comfort may, however, be extracted. In the failure of a scientific investigation collateral discoveries of great moment have been made. And as an eminent philosopher [1] has well remarked, "What succeeds, pleaseth more, but what succeeds not, many times informs no less." And in the worst position the mind is improved, sharpened, expanded, brightened, and strengthened by the processes which it has undergone and the elaborations which it has experienced.

> "We must not then expect
> A perpetual feast of nectar'd sweets
> Where no crude surfeit reigns."

But we may confidently pronounce that a cornucopia of blessings will attend the diffusion of knowledge — that it will have an electrifying effect on all the sources of individual happiness and public prosperity — that glory will follow in the train of its felicitous cultivation, and that the public esteem, in perennial dispensation, will crown its votaries.

This State enjoys a temperate climate and fruitful soil, and, situate between the Great Lakes on the north and west, and the ocean on the south and east, ought always to be the seat of plenty and salubrity. It requires nothing but the enlightened evolution of its faculties and resources to realize the beau-ideal of perfection: and the co-operation of man with the bounty of Providence will render it a terrestrial paradise. And this must be effected through the agency of intellectual operating on physical exertion.

In this grand career of mind, in this potent effort of science, in this illustrious display of patriotism, contributions will flow

[1] Bacon. [2] Milton.

in from all quarters. The humble mite will be acceptable as well as the golden talent. And the discriminating, perspicacious, and comprehensive eye of intellect will find—

> "Tongues in trees; books in the running brooks;
> Sermons in stones; and good in everything." [1]

Indeed, the very ground on which we stand affords topics for important consideration and useful application. This city was among the earliest seats of European settlement. It was at the head of a great portage, reaching from the termination of the navigable waters of the west to the head waters of the Hudson. It was the great entrepôt of the valuable trade in furs and peltries, and the thoroughfare of commercial adventures, of scientific explorations, and of military expeditions. In 1690 it was destroyed by an irruption of French and Indians — the lives of many of its inhabitants were saved as it were by a special interposition of Providence.

And the sympathizing and pathetic speech of the faithful Mohawks on that melancholy occasion may be ranked among the most splendid effusions of oratory.[2] The alluvial lands of the river, rich as the soil formed by the overflowings of the Nile, were the principal residence of that ferocious and martial race, the true old heads of the Iroquois — a confederacy which carried terror, havoc, and desolation from the Gulf of St. Lawrence to the Gulf of Mexico, and which aspired to universal empire over the savage nations. How astonished would that people be if they could be summoned to life, to witness the flowing of the waters of the west through this place, seeking in a navigable shape a new route to the Atlantic Ocean, carrying on their bosom the congregated products of nature and art, and spreading as they proceed, wealth and prosperity.

All alluvial ground formed by streams emanating from a

[1] Shakespeare. [2] Colden's "History of the Five Nations."

distance and reinforced in their transit by auxiliary waters must be fertile not only in soil, but abundant in the various productions of the vegetable kingdom. The germs of plants will be transported from remote quarters; and the gorges and ravines, formed in many places by intersecting streams, will not only protect particular spots from the ravages of the plow, but open the treasures of the mineral kingdom by the profound excavations of the water and the transportation of distant fossils. Here, then, is a proper region for interesting discovery. Strange trees now flourish on the banks of the river, many a flower is born to blush unseen, and many a curious production has never undergone scientific scrutiny.

Here has been established a great seminary of education which in less than thirty years has risen to an extraordinary altitude of excellence; which unites the ardor of youthful enthusiasm with the wisdom of experienced longevity and the celebrity of confirmed usefulness; and which, by an able diffusion of the light of knowledge and a dexterous management of the helm of government, has already produced scholars who adorn and illumine the walks of science and literature, the pursuits of professional life, and the councils of our country.

In this vicinity flourished Sir William Johnson, one of the extraordinary characters of our colonial history. He settled near the banks of the Mohawk, and from humble beginnings he acquired great celebrity,—particularly in war,—immense wealth, and the favor of his sovereign. Auspicious events in concurrence with a paramount influence over the Indians, and great energy of character, laid the foundation and erected the superstructure of his fortunes.

In this place lived and died that eminent servant of God, the Rev. Dr. Romeyn, the fragrance of whose virtues is still

cherished in your hearts and felt in your lives. His venerable form, his dignified deportment, his eye beaming goodness, and his voice uttering wisdom, are still fresh in your minds; so impressive is the power of combined virtue and intelligence. Dr. Dwight, the greatest theologian of the age, has pronounced his eulogium; and it remains for biography to perform its functions and to fill up the outlines so ably drawn by one of the most acute observers and profound thinkers which our country has produced.

Finally, whatever may be our thoughts, our words, our writings, or our actions, let them all be subservient to the promotion of science and the prosperity of our country. Pleasure is a shadow, wealth is vanity, and power a pageant; but knowledge is ecstatic in enjoyment, perennial in fame, unlimited in space, and infinite in duration. In the performance of its sacred offices it fears no danger, spares no expense, omits no exertion. It scales the mountain, looks into the volcano, dives into the ocean, perforates the earth, wings its flight into the skies, encircles the globe, explores sea and land, contemplates the distant, examines the minute, comprehends the great, and ascends to the sublime. No place too remote for its grasp; no heavens too exhalted for its reach. "Its seat is the bosom of God; its voice the harmony of the world. All things in heaven and earth do it homage, the very least as feeling its care, and the greatest as not exempt from its power. Both angels and men and creatures, of what condition soever, though each in different sort and manner, yet all, with uniform consent, admiring it as the parent of peace and happiness."[1]

[1] Hooker

DUKE OF WELLINGTON

WELLINGTON

ARTHUR WELLESLEY, DUKE OF WELLINGTON, familiarly known as "the Iron Duke," one of England's greatest generals, was born at Dangan Castle, County Meath, Ireland, May 1, 1769, and died at Walmer Castle, Kent, Sept. 14, 1852. The third son of Garrett Wesley, first Earl of Mornington, and younger brother of the Marquess of Wellesley, he was educated at Eton and at the military college of Angers, in France, where he specially studied engineering. He first served abroad in the Low Countries, but in 1797 his earliest campaigning was in India, where he rendered important services in the Mysore War, and later on defeated the warlike Mahrattas in the battle of Assaye (September, 1803). Returning to England in 1805, he entered Parliament in the following year, and in 1807 became chief secretary for Ireland and served in Cathcart's expedition to Denmark, which ended in the bombardment and capture of Copenhagen. His military honors were now to be won in the Peninsular War, where he defeated the French marshals one after another at Talavera, Busaco, Salamanca, Vittoria, and drove Soult across the Pyrenees, and in 1814 defeated him at Orthez and Toulouse. The war with France came for a time to an end with the first abdication of Napoleon, but Wellington's triumph over the great Corsican general was yet to be won after the escape of Napoleon from Elba. Wellington had meanwhile, with the rank of field-marshal, received his country's thanks and honors, but he was now to make an undying name for himself by his prowess in the crowning triumph of Waterloo, and to receive from the English nation, besides a peerage and the thanks of Parliament, the substantial awards of his piled-up prize money. It was some years after the peace ere he took part in public affairs, though the remainder of his life was devoted to statesmanship. From 1828 to 1830 he was prime minister, and he was later on member of several ministries, and an intimate private friend and confidential adviser of his sovereign, until death claimed him, in his eighty-fourth year, and his country gave him a public funeral and burial in St. Paul's Cathedral, London. The place he had won for himself in the hearts of his countrymen was absolutely unique, for in his day no face and figure were better known to the population of London than "the great Duke," and hardly any other hero of the nation has better earned the honor and reverence of his generation.

SPEECH ON CATHOLIC EMANCIPATION

DELIVERED IN THE HOUSE OF LORDS, APRIL 2, 1829

MY LORDS,—It is now my duty to move that your lordships read this bill a second time, and to explain to your lordships the grounds on which I recommend this measure to your consideration. I may be under the

necessity of requesting a larger portion of your time and attention, upon this occasion, than I have hitherto been in the habit of occupying; but I assure you, my lords, that it is not my intention to take up an instant of your time with respect to myself, or my own conduct in this transaction, any farther than to express my regret that I should differ in opinion on this subject from so many of those for whom I entertain the highest respect and regard.

However, my lords, I must say that I have considered the part which I have taken upon this subject as the performance of a public duty absolutely incumbent upon me; and that no private regard, no respect for the opinion of any noble lord, would have induced me to depart from the course which I have considered it my duty to adopt.

I must say likewise this, that, comparing my own opinion with that of others upon this subject, I have, during the period I have been in office, had opportunities of forming a judgment upon this subject which others have not had; and they will admit that I should not have given the opinion I have given if I was not intimately and firmly persuaded that that opinion was a just one.

My lords, the point which I shall first bring under your lordships' consideration is the state of Ireland. I know that by some it has been considered that the state of Ireland has nothing to do with this question — that it is a subject which ought to be left entirely out of our consideration. My lords, they tell us that Ireland has been disturbed for the last thirty years — that to such disturbance we have been accustomed, and that it does not at all alter the circumstances of the case as they have hitherto appeared.

My lords, it is perfectly true that Ireland has been disturbed during the long period I have stated; but within the last year

or two there have been circumstances of particular aggravation. Political circumstances have in a considerable degree occasioned that aggravation; but besides this, my lords, I must say, although I have no positive legal proof of that fact, that I have every reason to believe that there has been a considerable organization of the people for the purposes of mischief.

My lords, this organization is, it appears to me, to be proved not only by the declarations of those who formed and who arranged it, but likewise by the effects which it has produced in the election of churchwardens throughout the country; in the circumstances attending the election for the county of Clare; in the circumstances that preceded and followed that election; in the proceedings of a gentleman who went at the head of a body of men to the north of Ireland; in the simultaneous proceeding of various bodies of men in the south of Ireland, in Thurles, Templemore, Killenaule, Cahir, Clonmel, and other places; in the proceedings of another gentleman in King's County; and in the recall of the former gentleman from the north of Ireland by the Roman Catholic Association.

In all these circumstances it is quite obvious to me that there was an organization and direction of some superior authority. This organization has certainly produced a state of society in Ireland which we have not heretofore witnessed, and an aggravation of all the evils which before afflicted that unfortunate country.

My lords, late in the year a considerable town was attacked in the middle of the night by a body of people who came from the neighboring mountains, the town of Augher. They attacked it with arms, and were driven from it with arms by the inhabitants of the town. This is a state of things which I feel your lordships will admit ought not to exist in a civilized country.

Later in the year still, a similar event occurred in Charleville; and in the course of last autumn the Roman Catholic Association deliberated upon the propriety of adopting, and the means of adopting, the measure of ceasing all dealings between Roman Catholics and Protestants.

Is it possible to believe that supposing these dealings had ceased, that supposing this measure had been carried into execution, as I firmly believe it was in the power of those who deliberated upon it to carry it into execution; is it possible to believe that those who could cease these dealings would not likewise have ceased to carry into execution the contracts into which they had entered? Will any man say that people in this situation are not verging toward that state in which it would be impossible to expect from them that they would be able to perform the duties of jurymen or to administer justice between man and man for the protection of the lives and properties of his Majesty's subjects? My lords, this is the state of society to which I wish to draw your attention, and for which it is necessary that Parliament should provide a remedy. But before I proceed to consider what those remedies ought to be, I wish just to show you what the effect of this state of society has been upon the King's prerogative.

My lords, his Majesty could not create a peer, and the reason he could not create a peer was this: His Majesty's servants could not venture to recommend to him to incur the risks of an election, and those which might have attended any acccident at the election, which might have occasioned the shedding of blood. Such a disaster must have been productive of an immediate civil war in the country; and not only was that the case, my lords, but I confess that I had the strongest objection to give another triumph to the Roman Catholic Association.

Then we are asked, "Why do you not carry the law into execution?"

My lords, I have upon former occasions stated to your lordships how the law stood in respect to the Association; and your lordships will observe that in all I have stated hitherto there was no resistance to the law. The magistrates were not called upon to act. There was no resistance to the King's troops; indeed, except in the case of the procession to the north of Ireland, they were never called into duty. There was no instance, therefore, in which the law could be carried into execution.

When we hear, therefore, noble lords reproaching the government for not carrying into execution the law in Ireland, as it was carried into execution in England, the observation shows that they do not understand the state of things in Ireland. The truth of the matter is, that in England, when the law was carried into execution in the year 1819, a large body of persons assembled for an illegal purpose; they resisted the order of the magistrates to disperse, and, having resisted that order, the magistrates directed the troops to disperse them. But in the case of Ireland there were no circumstances of the same kind: no order was given to disperse because no magistrates were present; and if they had been present there were no troops to disperse them.

The truth is, the state of society was such as rendered these events probable at every hour; and it was impossible the magistrates could be at every spot, and at all times, to put an end to these outrages, which really are a disgrace to the country in which they take place. My lords, neither the law, nor the means in the possession of government enabled government to put an end to these things. It was necessary, therefore, to come to Parliament. Now, let us see what chance there

was of providing a remedy for this state of things by coming to Parliament.

My lords, we all know perfectly well that the opinion of the majority in another place is that the remedy for this state of things in Ireland is a repeal of the disabilities affecting his Majesty's Roman Catholic subjects. We might have gone and asked Parliament to put down the Roman Catholic Association; but what chance had we of prevailing upon Parliament to pass such a bill without being prepared to come forward and state that we were ready to consider the whole condition of Ireland with a view to apply a remedy to that which Parliament had stated to be the cause of the disease?

Suppose that Parliament had given us a bill to put down the Roman Catholic Association, would such a law as that which passed lately be a remedy for the state of things I have already described to your lordships as existing in Ireland? Would it do any one thing toward putting an end to the organization which, I have stated to your lordships, exists — toward putting an end to the mischiefs which are the consequence of that organization — toward giving you the means of getting the better of the state of things existing in Ireland, without some further measure to be adopted? But, my lords, it is said, "If that will not do, let us proceed to blows!" What is meant by "proceeding to blows" is civil war!

Now I believe that every government must be prepared to carry into execution the laws of the country by the force placed at its disposal; not by the military force unless it should be absolutely necessary, but by the military force in case that should be necessary; and, above all things, to endeavor to overcome resistance to the law, in case the disaffected or the ill-disposed are inclined to resist the authority or sentence of the law. But in this case, as I have already stated to your

lordships, there was no resistance of the law: nay, I will go further, and will say that I am positively certain that this state of things, existing in Ireland for the last year and a half, bordering upon civil war (being attended by nearly all the evils of civil war), might have continued a considerable time longer, to the great injury and disgrace of the country; and nevertheless those who managed this state of things, those who were at its head, would have taken care to prevent any resistance to the law, which must have ended, they knew as well as I do, in the only way in which a struggle against the King's government could end.

They knew perfectly well they would have been the first victims of that resistance; but knowing that, and knowing as I do that they are sensible, able men and perfectly aware of the materials upon which they have to work, I have not the smallest doubt that the state of things which I have stated to your lordships would have continued, and that you would never have had an opportunity of putting it down in the manner some noble lords imagine.

But, my lords, even if I had been certain of such means of putting it down, I should have considered it my duty to avoid those means. I am one of those who have probably passed a longer period of my life engaged in war than most men, and principally in civil war; and I must say this, that if I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I was attached, I would sacrifice my life in order to do it.

I say that there is nothing which destroys property, cuts up prosperity by the roots, and demoralizes character, to the degree that civil war does. In such a crisis the hand of every man is raised against his neighbor, against his brother, and against his father; servant betrays master, and the whole

scene ends in confusion and devastation. Yet, my lords, this is the resource to which we must have looked; these are the means which we must have applied, in order to have put an end to this state of things, if we had not made the option of bringing forward the measures for which I say I am responsible.

But let us look a little farther. If civil war is so bad when it is occasioned by resistance to the government — if it is so bad in the case I have stated, and so much to be avoided, how much more is it to be avoided when we are to arm the people in order that we may conquer one part of them by exciting the other part against them?

My lords, I am sure there is not a man who hears me whose blood would not shudder at such a proposition if it were made to him; and yet that is the resource to which we should be pushed at last by continuing the course we have been adopting for the last few years. I entreat your lordships not to look at it in this point of view only, but let us revert a little to what passed on a former similar occasion.

My lords, I am old enough to remember the rebellion in 1798. I was not employed in Ireland at the time. I was employed in another part of his Majesty's dominions; but, my lords, if I am not mistaken, the Parliament of Ireland at that time walked up to my Lord Lieutenant with a unanimous address, beseeching his Excellency to take every means to put down that unnatural rebellion, and promising their full support in order to carry those measures into execution. The Lord Lieutenant did take measures, and did succeed in putting down that rebellion. Well, my lords, what happened in the very next session? The government proposed to put an end to the Parliament, and to form a legislative union between the two kingdoms, for the purpose, principally, of pro-

posing this very measure; and, in point of fact, the very first measure that was proposed after this legislative union, after those successful endeavors to put down this rebellion, was the very measure with which I am now about to trouble your lordships.

Is it possible noble lords can believe that, supposing there was such a contest as that which I have anticipated — is it possible noble lords can believe that such a contest could be carried on without the consent of the other House of Parliament?

I am certain, my lords, that when you look at the division of opinion which prevails in both Houses of Parliament; when you look at the division of opinion which prevails in every family of this kingdom and of Ireland — in every family, I say, from the most eminent in station down to the lowest in this country; when you look at the division of opinion that prevails among the Protestants of Ireland on this subject, I am convinced you will see that there would be a vast difference in a contest carried on now and that which was carried on on former occasions.

My lords, I beg you will recollect that upon a recent occasion there was a Protestant declaration of the sentiments of Ireland. As I said before, the Parliament of Ireland, in the year 1798, with the exception of one or two gentlemen, were unanimous; and on a recent occasion there were seven marquises, twenty-seven earls, a vast number of peers of other ranks, and not less than two thousand Protestant gentlemen of property in the country, who signed the declaration, stating the absolute necessity of making these concessions.

Under these circumstances it is that this contest would have been carried on — circumstances totally different from those which existed at the period I before alluded to. But is it

possible to believe that Parliament would allow such a contest to go on? Is it possible to believe that Parliament, having this state of things before it — that this House, seeing what the opinion of the other House of Parliament is — seeing what the opinion of the large number of Protestants in Ireland is — seeing what the opinion of nearly every statesman for the last forty years has been on this question, would continue to oppose itself to measures brought forward for its settlement?

It appears to me absolutely impossible that we could have gone on longer without increasing difficulties being brought on the country. But it is very desirable that we should look a little to what benefit is to be derived to any one class in the state of continuing the disabilities, and adopting those coercive measures which will have all the evils I have stated.

We are told that the benefit will be to preserve the principles of the Constitution of 1688, that the Acts of 1688 permanently excluded Roman Catholics from Parliament, and that, they being permanently excluded from Parliament, it is necessary to incur all the existing evils in order to maintain that permanent exclusion. Now I wish very much that noble lords would take upon themselves the trouble I have taken to see how the matter stands as to the permanent exclusion of Roman Catholics from Parliament.

My lords, in the Bill of Rights there are some things permanently enacted which I sincerely hope will be permanent: these are, the liberties of the people, the security for the Protestantism of the person on the throne of these kingdoms, and that he shall not be married to a Papist. Then there is an oath of allegiance and supremacy to be taken by all those of whom that oath of allegiance is required, which is also

said to be permanent; but it contains no declaration against transubstantiation.

There is also an oath of allegiance different from that which is to be taken by a member of Parliament. I beg your lordships will observe that, although this oath of allegiance was declared permanent, it was altered in the last year of King William. This shows what that permanent Act was. Then with respect to the oaths to be taken by members of Parliament, I beg your lordships to observe that these oaths, the declaration against transubstantiation and the sacrifice of the mass, are not originally in the Act of William III; they are in the Act of 30th Charles II. During the reign of Charles II there were certain oaths imposed, first on dissenters from the Church of England, by the 12th and 13th Charles II, and to exclude Roman Catholics, by the 25th Charles II and 30th Charles II.

At the period of the Revolution, when King William came, he thought proper to extend the basis of his government, and he repealed the oaths affecting the dissenters from the Church of England, imposed by the 13th and 14th Charles II, and likewise the affirmative part of the oath of supremacy, which dissenters from the Church of England could not take. That is the history of the alteration of these oaths by William III from the time of Charles II.

But, my lords, the remainder of the oath could be taken by dissenters, but could not be taken by Roman Catholics. The danger with respect to Roman Catholics had originated in the time of Charles II, and still existed in the time of William III; but the oath was altered because one of the great principles of the Revolution was to limit the exclusion from the benefits of the constitution so far as it was possible. Therefore we have this as one of the principles of the Rev-

olution, as well as the principles I before stated derived from the Bill of Rights.

The noble lords state that what they call the principles of 1688 — that is to say, these oaths excluding Roman Catholics — are equally permanent with the Bill of Rights, by which the Protestantism of the Crown is secured. If they will do me the favor to look at the words of the Act they will see that the difference is just the difference between that which is permanent and that which is not permanent. The Act says that the Protestantism of the Crown shall last forever — that these liberties are secured forever; but as for these oaths, they are enacted in exclusive words, and there is not one word about how long they shall last.

Well then, my lords, what follows?

The next Act we have is the Act of Union with Scotland; and what does that Act say? That the oaths to be taken by the members of Parliament, as laid down by the 1st of William and Mary, shall continue and be taken till Parliament shall otherwise direct. This is what is called a permanent Act of Parliament, a provision to exclude Catholics for all future periods from seats in Parliament!

My lords, I beg to observe that if the Act which excludes Roman Catholics from seats in Parliament is permanent, there is another clause (I believe the 10th of 1 William III, cap. 8) which requires officers of the army and navy to take these very oaths previous to their acceptance of their commissions. Now, if the Act made in the first year of William and Mary, which excludes Roman Catholics from Parliament, is permanent, I should like to ask noble lords why the clause in that Act is not equally permanent?

I suppose that the noble and learned lord [Eldon] will answer my question by saying that one Act was permanent

and ought to be permanently maintained, but that the other Act was not permanent and the Parliament did right in repealing it in 1817. But the truth of the matter is that neither Act was intended to be permanent; and the Parliament of Queen Anne recognized by the Act of Union that the first Act, relating to seats in Parliament, was not permanent; and the noble and learned lord did quite right when he consented to the Act of 1817, which put an end to the 10th clause of the 1st of William III, cap. 8.

Then, my lords, if this principle of exclusion — if this principle of the Constitution of 1688, as it is called, be not permanent, if it be recognized as not permanent, not only by the Act of Union with Scotland (in which it was said that the exclusion oath should continue till Parliament otherwise provided), but also by the later Act of Union with Ireland, I would ask your lordships whether you are not at liberty now to consider the expediency of doing away with it altogether, in order to relieve the country from the inconveniences to which I have already adverted?

I would ask your lordships whether you are not called upon to review the state of the representation of Ireland — whether you are not called upon to see, even supposing that the principle were a permanent one, if it be fit that Parliament should remain as it has remained for some time, groaning under a Popish influence exercised by the priests over the elections in Ireland.

I would ask your lordships, I repeat, whether it is not right to make an arrangement which has for its object not only the settlement of this question, but at the same time to relieve the country from the inconveniences which I have mentioned.

I have already stated the manner in which the organization I have alluded to works upon all the great interests of the

country; but I wish your lordships particularly to attend to the manner in which it works upon the Church itself. That part of the Church of England which exists in Ireland is in a very peculiar situation: it is the Church of the minority of the people.

At the same time I believe that a more exemplary, a more pious, or a more learned body of men than the ministers of that Church do not exist. The ministers of that Church certainly enjoy and deserve the affections of those whom they are sent to instruct, in the same degree as their brethren in England enjoy the affections of the people of this country; and I have no doubt that they would shed the last drop of their blood in defence of the doctrines and discipline of their Church.

But violence, I apprehend, is likely to affect the interests of that Church; and I would put it to the House whether that Church can be better protected from violence by the government united in itself, united with Parliament, and united in sentiment with the great body of the people, or by a government disunited in opinion, disunited from Parliament, and by the two Houses of Parliament disunited. I am certain that no man can look to the situation of Ireland without seeing that the interest of the Church, as well as the interest of every class of persons under government, is involved in such a settlement of this question as will bring with it strength to the government and strength to every department of the State.

NAPOLEON BONAPARTE

NAPOLEON BONAPARTE, Emperor of the French (1804–14), and the most famous of modern generals, was born at Ajaccio, Corsica, Aug. 15, 1769, and died at Longwood, St. Helena, May 5, 1821. He was the son of Charles Marie Bonaparte, and at the early age of ten entered the military school at Brienne, completing his military studies at Paris, where he received a lieutenant's commission. Gaining the rank of colonel, he was sent against the Austrians in Italy. Here fortune favored him, supplemented by his own great will-power, strategy, and rapid action, and enabled him not only to win many victories, but to mulct the defeated towns in heavy ransoms, and give the rich provinces of Italy to his soldiers as pillage. In December, 1797, he returned to Paris, where he was met with acclaim, and then set out to strike a blow at England by the conquest of Egypt. Setting out thither, Malta, Alexandria, and Cairo fell before him, and an Ottoman army was driven by him into the sea; but he received a check at Acre, from a combined English and Turkish force; while in Aboukir Bay, Nelson all but annihilated the French fleet. Escaping capture, he reached Paris just in time to meet the want of a strong man at the head of affairs and was made First Consul, abolishing the Directory and taking the Tuileries as his official residence. In May, 1800, he again took the field against the Austrians in Italy, and after crossing the Alps with 35,000 men he came upon the rear of the enemy, entered Milan, and at Marengo gained a great victory. This won for the conqueror the consulship for life, and in 1804, he was crowned at Notre Dame Emperor of the French. The next ten years was a struggle against the allied powers of Europe, which for a time went in Napoleon's favor. In December, 1805, he invaded Austria, occupied Vienna, and broke up the coalition; at Ulm he forced the Austrian general to lay down his arms, when the Corsican pushed on and entered the capital; later on he crossed the Danube and defeated an Austro-Russian force at Austerlitz; and at Jena (October, 1806) he defeated the Russians and marched upon and entered Berlin; after which he moved against the Russians and Prussians, and though partially defeated at Eylau, he again won at Friedland (June, 1807), and by the temporary peace that ensued extorted from Prussia half her territory. In July, 1809, once more the laurels of victory fell to "the man of Destiny," in the French defeat of the Austrians at Wagram. Meanwhile, three of his brothers had been placed upon thrones, and the Emperor Francis of Austria was compelled to acknowledge the sovereigns of Napoleon's creation, and to hand over to him his own daughter, Maria Louisa, in marriage, Josephine being divorced to meet the exigency. In January, 1812, Sweden and Russia declared war against France, and Napoleon now entered upon his expedition to Russia, which, though it brought him new laurels, closed in the disastrous winter retreat, and lost him three-fourths of his army. The year 1813, though it brought him the victories of Lutzen and Dresden, brought him also defeat at Leipsic, and the humiliation of seeing (March, 1814) his allied enemies enter Paris. The end of his career now drew near, for after his abdication and exile to Elba and escape therefrom, he was confronted by the allied forces under Wellington in Belgium, and lost all in the hazard of battle at Waterloo. After this came the banishment to St. Helena, where he died six years later, his remains finding sepulture, in 1840, in the magnificent tomb in the Hôtel des Invalides, Paris.

ADDRESS TO ARMY AT BEGINNING OF ITALIAN CAMPAIGN

DELIVERED MARCH, 1796

SOLDIERS,— You are naked and ill-fed! Government owes you much and can give you nothing. The patience and courage you have shown in the midst of this rocky wilderness are admirable; but they gain you no renown; no glory results to you from your endurance. It is my design to lead you into the most fertile plains of the world. Rich provinces and great cities will be in your power; there you will find honor, glory, and wealth. Soldiers of Italy, will you be wanting in courage or perseverance?

PROCLAMATION TO ARMY

MAY, 1796

SOLDIERS,— You have in fifteen days gained six victories, taken twenty-one stand of colors, fifty-five pieces of cannon, and several fortresses, and overrun the richest part of Piedmont; you have made 15,000 prisoners and killed or wounded upwards of 10,000 men.

Hitherto you have been fighting for barren rocks, made memorable by your valor, though useless to your country, but your exploits now equal those of the Armies of Holland and the Rhine. You were utterly destitute, and you have supplied all your wants. You have gained battles without cannon, passed rivers without bridges, performed forced marches without shoes; and bivouacked without strong liquors, and often without bread.

None but Republican phalanxes, the soldiers of liberty, could have endured what you have done; thanks to you, soldiers, for your perseverance! Your grateful country owes its safety to you; and if the taking of Toulon was an earnest of the immortal campaign of 1794, your present victories foretell one more glorious.

The two armies which lately attacked you in full confidence now flee before you in consternation; the perverse men who laughed at your distress and inwardly rejoiced at the triumph of your enemies are now confounded and trembling.

But, soldiers, you have as yet done nothing, for there still remains much to do. Neither Turin nor Milan are yours; the ashes of the conquerors of Tarquin are still trodden underfoot by the assassins of Basseville. It is said that there are some among you whose courage is shaken, and who would prefer returning to the summits of the Alps and Apennines. No, I cannot believe it. The victors of Montenotte, Millesimo, Dego, and Mondovi are eager to extend the glory of the French name!

TO SOLDIERS ON ENTERING MILAN

PROCLAIMED MAY 15, 1796

SOLDIERS,—You have rushed like a torrent from the top of the Apennines; you have overthrown and scattered all that opposed your march. Piedmont, delivered from Austrian tyranny, indulges her natural sentiments of peace and friendship toward France. Milan is yours, and the Republican flag waves throughout Lombardy. The Dukes of Parma and Modena owe their political existence to your generosity alone.

The army which so proudly threatened you can find no barrier to protect it against your courage; neither the Po, the Ticino, nor the Adda could stop you for a single day. These vaunted bulwarks of Italy opposed you in vain; you passed them as rapidly as the Apennines.

These great successes have filled the heart of your country with joy. Your representatives have ordered a festival to commemorate your victories, which has been held in every district of the Republic. There your fathers, your mothers, your wives, sisters, and mistresses rejoiced in your good fortune and proudly boasted of belonging to you.

Yes, soldiers, you have done much,— but remains there nothing more to do? Shall it be said of us that we knew how to conquer, but not how to make use of victory? Shall posterity reproach us with having found Capua in Lombardy?

But I see you already hasten to arms. An effeminate repose is tedious to you; the days which are lost to glory are lost to your happiness. Well, then, let us set forth! We have still forced marches to make, enemies to subdue, laurels to gather, injuries to revenge. Let those who have sharpened the daggers of civil war in France, who have basely murdered our ministers and burnt our ships at Toulon, tremble!

The hour of vengeance has struck; but let the people of all countries be free from apprehension; we are the friends of the people everywhere, and those great men whom we have taken for our models. To restore the capitol, to replace the statues of the heroes who rendered it illustrious, to rouse the Roman people, stupefied by several ages of slavery,— such will be the fruit of our victories; they will form an era for posterity; you will have the immortal glory of changing the face of the finest part of Europe. The French people, free and respected by the whole world, will give to Europe a

glorious peace, which will indemnify them for the sacrifices of every kind which for the last six years they have been making. You will then return to your homes and your country. Men will say, as they point you out, "He belonged to the Army of Italy."

ADDRESS TO SOLDIERS DURING SIEGE OF MANTUA

DELIVERED NOVEMBER 6, 1796

SOLDIERS,—I am not satisfied with you; you have shown neither bravery, discipline, nor perseverance; no position could rally you; you abandoned yourselves to a panic-terror; you suffered yourselves to be driven from situations where a handful of brave men might have stopped an army. Soldiers of the 39th and 85th, you are not French soldiers. Quartermaster-General, let it be inscribed on their colors, "They no longer form part of the Army of Italy!"

ADDRESS TO TROOPS ON CONCLUSION OF FIRST ITALIAN CAMPAIGN

DELIVERED MARCH, 1797

SOLDIERS,—The campaign just ended has given you imperishable renown. You have been victorious in fourteen pitched battles and seventy actions. You have taken more than a hundred thousand prisoners, five hundred field-pieces, two thousand heavy guns, and four pontoon trains. You have maintained the army during the whole campaign. In addition to this you have sent six millions of dollars to the public treasury, and have enriched the National Museum with three hundred masterpieces of the

arts of ancient and modern Italy, which it has required thirty centuries to produce. You have conquered the finest countries in Europe.

The French flag waves for the first time upon the Adriatic opposite to Macedon, the native country of Alexander. Still higher destinies await you. I know that you will not prove unworthy of them. Of all the foes that conspired to stifle the Republic in its birth, the Austrian emperor alone remains before you. To obtain peace we must seek it in the heart of his hereditary state. You will there find a brave people, whose religion and customs you will respect, and whose prosperity you will hold sacred. Remember that it is liberty you carry to the brave Hungarian nation.

ADDRESS TO TROOPS AFTER WAR OF THIRD COALITION

DELIVERED OCTOBER, 1805

SOLDIERS OF THE GRAND ARMY,—In a fortnight we have finished the entire campaign. What we proposed to do has been done. We have driven the Austrian troops from Bavaria and restored our ally to the sovereignty of his dominions.

That army which with equal presumption and imprudence marched upon our frontiers is annihilated.

But what does this signify to England She has gained her object. We are no longer at Boulogne, and her subsidy will be neither more nor less.

Of a hundred thousand men who composed that army sixty thousand are prisoners. They will replace our conscripts in the labors of agriculture.

Two hundred pieces of cannon, the whole park of artillery,

ninety flags, and all their generals are in our power. Fifteen thousand men only have escaped.

Soldiers: I announced to you the result of a great battle; but, thanks to the ill-advised schemes of the enemy, I was enabled to secure the wished-for result without incurring any danger, and, what is unexampled in the history of nations, that result has been gained at the sacrifice of scarcely fifteen hundred men killed and wounded.

Soldiers: this success is due to your unlimited confidence in your emperor, to your patience in enduring fatigues and privations of every kind, and to your singular courage and intrepidity.

But we will not stop here. You are impatient to commence another campaign.

The Russian army, which English gold has brought from the extremities of the universe, shall experience the same fate as that which we have just defeated.

In the conflict in which we are about to engage, the honor of the French infantry is especially concerned. We shall now see another decision of the question which has already been determined in Switzerland and Holland; namely, whether the French infantry is the first or the second in Europe.

Among the Russians there are no generals in contending against whom I can acquire any glory. All I wish is to obtain the victory with the least possible bloodshed. My soldiers are my children.

ADDRESS TO TROOPS ON BEGINNING THE RUSSIAN CAMPAIGN

DELIVERED MAY, 1812

SOLDIERS,—The second war of Poland has begun. The first war terminated at Friedland and Tilsit. At Tilsit Russia swore eternal alliance with France and war with England. She has openly violated her oath, and refuses to offer any explanation of her strange conduct till the French Eagle shall have passed the Rhine and consequently shall have left her allies at her discretion. Russia is impelled onward by fatality. Her destiny is about to be accomplished. Does she believe that we have degenerated? that we are no longer the soldiers of Austerlitz? She has placed us between dishonor and war. The choice cannot for an instant be doubtful.

Let us march forward, then, and, crossing the Niemen, carry the war into her territories. The second war of Poland will be to the French army as glorious as the first. But our next peace must carry with it its own guarantee and put an end to that arrogant influence which for the last fifty years Russia has exercised over the affairs of Europe.

FAREWELL TO THE OLD GUARD

SPOKEN APRIL 20, 1814

SOLDIERS OF MY OLD GUARD,—I bid you farewell. For twenty years I have constantly accompanied you on the road to honor and glory. In these latter times, as in the days of our prosperity, you have invariably

been models of courage and fidelity. With men such as you our cause could not be lost; but the war would have been interminable; it would have been civil war, and that would have entailed deeper misfortunes on France.

I have sacrificed all my interests to those of the country.

I go, but you, my friends, will continue to serve France. Her happiness was my only thought. It will still be the object of my wishes. Do not regret my fate; if I have consented to survive, it is to serve your glory. I intend to write the history of the great achievements we have performed together. Adieu, my friends. Would I could press you all to my heart.

[Napoleon then ordered the eagles to be brought, and, having embraced them he added:]

I embrace you all in the person of your general. Adieu, soldiers! Be always gallant and good.

SIR JAMES SCARLETT

SIR JAMES SCARLETT, BARON ABINGER, an English jurist, and baron of the exchequer, was born on the island of Jamaica, Dec. 13, 1769, and died at Bury St. Edmunds, England, April 7, 1844. Going to England in 1785 to complete his education, he studied at Trinity College, Cambridge, and at the Inner Temple, London, and was called to the bar in 1791. He rose rapidly in his profession, becoming one of the most well-known advocates of his day and enjoying a highly lucrative practice. In 1816, he was made king's counsel, and entered the House of Commons three years later. In Parliament he failed, however, to sustain the reputation for brilliant oratory gained in the law courts. He was made lord chief baron of the exchequer in 1834, and was in the following year raised to the peerage as Baron Abinger, but seldom took part in the debates in the House of Peers. Scarlett though neither great as a lawyer nor especially eloquent, had a profound knowledge of human nature, quick perceptions, and absolute self-mastery; he thus achieved a remarkable success. His conduct of causes displayed great tact, for his chief aim was to obtain a verdict rather than to win applause. Sir James was for a time, in 1827, attorney-general in Canning's brief administration.

CHARGE TO THE JURY

DELIVERED IN 1842 AFTER SERIOUS RIOTS HAD TAKEN PLACE IN THE MANUFACTURING DISTRICTS

GENTLEMEN OF THE GRAND JURY,— You are assembled at this unusual season to discharge a very painful, but a very important duty. A due regard for the public safety makes it essential that all tumultuous and unlawful assemblies of the people should be put down by force if necessary, and punished with the utmost rigor of the law.

At the same time we cannot reflect on the occurrences which have recently taken place in the manufacturing districts without mixed emotions of compassion, and, if I may say so, indignation: compassion for the weakness and ignorance of those deluded multitudes who imagine they could effect the

purposes they had in view by force and violence, and who, as they never fail to do, must become the victims of their own delusion, and suffer misery and privation, and many of them punishment; indignation at the artful contrivances of those who, to serve their own private objects and their own political ends, promoted and excited the delusion of the industrious classes, by addressing to their minds deceitful arguments, unfounded in reason or in sense, and then endeavored to take advantage of the delusion they had caused, in order that they might thereby carry into effect their own objects.

I need hardly remind you that it is one of the evils incident to a nation of great manufacturing and commercial prosperity that it should occasionally be subject to great reverses. It is the nature and habit of industry and enterprise to keep full the channels of supply sometimes to overflowing; and whenever a check to the demand occurs there must follow for a while a suspension of employment, a diminution in the price of manufactured produce and in the wages of labor, and very often, unhappily, distress and misery of the manufacturing classes.

The history of our own country furnishes examples of this kind. A bad harvest either at home or abroad; the blockade of foreign ports with which we are accustomed to traffic; a war with a nation which takes a large quantity of our manufactured goods; the disturbance of friendly relations between this and other nations with which we have commercial intercourse; the uncertainty of the laws which affect trade and commerce; sometimes the public agitation of the great questions or principles on which commerce depends; sometimes even the opinion that the government is not wise enough to propose nor strong enough to carry important measures for the maintenance and advancement of the public weal; all these are

circumstances which tend to paralyze industry and the enterprise of commercial men, and at the same time to suspend all those advantages which the country was before gaining from a prosperous condition of trade and commerce. It would be easy, if necessary, to trace many, if not all, of these causes which have in succession or combination produced that distress we have lately witnessed.

I stated just now that we cannot view without emotions of compassion the situation of the industrious classes, who, not having a competent knowledge to form a judgment of their own as to the principles or the rights of property, or upon the questions in which their own prosperity is involved, imagine that they can by force and violence dictate terms to their masters, and thereby rescue themselves from a degree of privation and discomfort against which no government, however it might be formed, and no law, whatever might be its provisions, could effectually secure them.

Nevertheless you will find many in that situation of life to which I have just alluded, and with that infirmity of judgment which I have just described, whose passions are most easily inflamed when subjects are touched on relating to their own means of subsistence, and their state of discomfort, induced by crafty persons, who excite and mislead them to imagine that they are themselves the fittest persons to govern, and that they ought to have an equal if not a superior share in the conduct of the government and in the making of the laws. I am afraid that the manufacturing classes have been of late the dupes of this sort of persuasion; and you will find in the occurrences which have called you together sundry examples of this delusion.

You will find that there is a society of persons who go by the name of Chartists, and who, if they have not excited or

fomented those outrages which will be brought under your notice, have nevertheless taken advantage of them for their own purposes; have endeavored to prevent the unfortunate people from returning to their work; and sought so to direct them that they might, by the suspension of all labor, be conducive to the attainment of political objects.

And what is the object of the charter which these men are seeking? What are the points of the charter? Annual parliaments, universal suffrage, and vote by ballot.

Yes, gentlemen, you will find by the evidence which will be produced before you that it has been inculcated upon many misguided persons that the sovereign remedy for all abuses, and the only means of putting themselves in possession of such a share of power as would enable them to vindicate their own rights and secure themselves against oppression, is by the enactment of what they call the People's Charter.

In what a strange situation this country would be placed if those who had no property were to possess a preponderating voice in the making of the laws. These unhappy men do not consider that the first objects of civilized society are the establishment and preservation of property and the security of person. What, then, would be the state of any country if multitudes were to make the laws for regulating property or were permitted to employ physical force to restrain individuals from employing their own labor, according to their own judgment, for procuring their subsistence? The foundations of civilized society may be considered to consist in the protection of property and the security of person; and if these two objects were abandoned society must be dissolved. What a strange effect, then, would the establishment of a system of universal suffrage produce; for under it every man, though possessing no property, would have a voice in the choice of the repre-

sentation of the people! The necessary consequences of this system would be that those who have no property would make laws for those who have property, and the destruction of the monarchy and aristocracy must necessarily ensue.

I do not pretend to judge the motives of those individuals who entertain such views as I have been alluding to, but they seem to forget that it is impossible to establish a perfectly democratic representative assembly, in the formation of which every man in the country should have a voice, without eventually destroying the monarchy and the influence of property, and leading to the creation of a form of government which would become in the end an odious tyranny. Such is the history of all attempts to establish a democracy in countries where a government consisting of mixed elements formerly existed.

There is a country which cannot be spoken of without respect and attachment, as emanating from ourselves (I allude to America), from which you may collect what security for property is afforded by a pure republic. In the different States of America there are pure democratic associations elected by universal suffrage and vote by ballot; and some of these States have recently exhibited the regard paid to property by democratic assemblies by having protested against paying the public creditor and disregarded their own obligation to obey their own law made for his security. If such a system of democracy were established in England, the first consequence would be that the security of property would be removed; the public creditor and all commercial accumulations would be destroyed; and finally, if it were not the first object aimed at, would follow the destruction of property in land. There would be a universal agrarian law.

The formation of such a government in a country like this

must work universal ruin and distress, and, after inflicting the most bitter of all tyranny, that of a democratic assembly, would terminate in a despotism. But it appears that persons entertaining a design to establish such a form of government have taken advantage of an occasional depression of the commerce and manufactures of the country, and the privations which the laboring classes are suffering, for the purpose of encouraging them to resist their masters and to abstain from labor, telling them that this was the only means within their reach by which they could obtain the accomplishment of their favorite charter.

I am glad to be informed, gentlemen, that on some portions of the multitudes to which such topics were addressed they failed to have any effect. There was a certain feeling of common sense, and a remaining attachment to the institutions of the country, which forbade many to listen to the voice of these Chartists.

Nevertheless, gentlemen, you will find by the evidence which will be produced before you that great pains were taken to inculcate these doctrines in the minds of the people and to encourage them by the force which belongs to assembled multitudes to carry them into effect. In the cases which will come before you, gentlemen, you may find persons preaching these doctrines.

I am desirous not to be understood as stating that the mere holding of any abstract opinion on political subjects is an offence; but if those persons who entertain such doctrines as I have alluded to endeavor to enforce them by popular tumult, they must be guilty of a grave offence. If you should find, too, cases satisfactorily proved, where persons have used efforts to prevail on the laboring people not to return to work, or have resorted to measures of tumult and disorder in order to

carry into effect their favorite objects, there can be no doubt that such persons are justly liable to punishment; and you, gentlemen, will doubtless feel it due to your country to bring them before this court.

There is another class of offenders who will be brought before you, namely, those who joined in assemblies of the people, the object of which was by force to turn others out of employment or prevent them from continuing at work. This is a species of tyranny quite intolerable. What right has any man to dictate to another at what price he should labor. If the party who labors, or the party employing, is dissatisfied with the terms of the contract, they have nothing to do but to put an end to the contract.

I am afraid, for I believe the law has been altered in this respect, that even the combination of a number of workmen for the purpose of dictating terms to masters has ceased to be an indictable offence in itself. But, though this is not an indictable offence so long as the combination be conducted in a peaceable and quiet manner, yet if they attempt to force others to join them by terror or intimidation they are guilty of one of the most daring and outrageous acts of tyranny.

What would be said if a government differently constituted from our own, and acting by direct force on the people, if the powers of such a government were exercised in a similar manner in order that the workmen might not continue at their labor? Would it not be described as an insupportable tyranny, and as forming a just ground for insurrection? Yet you will find that these unhappy men were not content with exercising the privileges which the law allowed them, of agreeing amongst themselves not to work without a certain rate of remuneration, but they attempted by force to compel others to quit their labor. When a case of this kind comes before

you, gentlemen; when you find attempts made by tumult, riot, and force, to detach the laborer from his occupation, you will consider them offences of an aggravated character, and in such cases I would recommend you to find the bills.

The third class of offences is in its nature not so aggravated, and yet it is not to be passed over, namely, where persons have joined in a tumultuous crowd engaged in some illegal design. You may say, and justly, that though a vast number of persons might assemble together, a few only might be engaged in any criminal design. Still, as the criminal design could only be effected by the terror which a multitude inspires, any man who joins the mob becomes one of the persons countenancing and furthering the illegal end. If, therefore, a crowd tumultuously collect together, creating alarm to the neighborhood in which it assembles, and assuming a character dangerous to the public peace, every person who joins it becomes an implicated party, and is by law guilty of riot, though the party accused may have done nothing more than merely brought to the mob the sanction of his personal presence.

I do not mean to say that a man might not be in a mob innocently; for a person going home might find it necessary to pass by the place where the mob was assembled, or he might go into the mob for the purpose of inducing another not to join it, or to prevent excess. There might be innocent motives which brought a man in the midst of a mob; but as by his presence he increased the multitude, the amount of which occasioned terror, it lies upon him to prove his innocence and to show whether his presence there was voluntary or otherwise. I mention this as a case of simple riot; and if you find persons joining assemblies which had illegal objects in view, or which conducted themselves in a tumultuous and

riotous manner, you must bring them before this court; for if they have any excuse which may operate in their defence, they have no means of producing it before you. The finding of a true bill against them will be justified by the evidence of a *prima facie* case against them; and if that case be proved against them the *onus probandi* as to their innocence will afterward be thrown upon them.

From the information laid before me I believe that I have now described the general character of the cases which will be submitted to your consideration; but there are two other cases which I ought to mention. I have stated that where a crowd assembled and acted illegally, those facts determined the character of the assembly to be unlawful. You will find that in some cases attempts have been made to extort money or provisions, and whenever the parties so acting have succeeded in their design through the aid of terror and force, they have been guilty of the offence of robbery. This will probably form a class of the cases which will come before you.

Gentlemen, you are aware that if any assembly of persons begin to demolish and pull down any building, that act constitutes a felony. Whether any cases amounting to this offence will come before you, I am not sufficiently informed to say, but I have reason to think that some of the cases may take that shape. All the different classes of offences which I have mentioned will probably come under your consideration. If you find any persons fomenting disturbance, or endeavoring to work out their particular views by creating a suspension of labor, ruinous not only to the parties themselves, but also to the country, and by forcibly compelling others to cease labor, they are liable to heavy punishment. If you find others seeking to obtain by intimidation money or provisions, or engaged in pulling down buildings, these offend-

ers would come under a different class, but they would deserve your serious attention. I believe I have now described the character of the different offences, and I am not aware that I could add anything which might direct your inquiries. Still I shall be very happy to give you, if needful, every assistance in my power to facilitate your investigations. Nevertheless, I do not think it probable that gentlemen of your experience and knowledge will require any further information.

I cannot conclude without repeating my expression of compassion for the unhappy people who have acted under the delusion I have referred to. But, gentlemen, the law takes no account of such delusions; and if a man commits guilty acts he must be prepared to submit to the consequences of his conduct. It is true that the poorer classes of the country have been suffering from great privations; and I may allude to this subject as it is matter of notoriety and has formed matter of public discussion; but it is very singular that the time chosen to break out was a period when a more settled commercial policy had been adopted, when every person expected a revival of manufacturing prosperity, and when, I believe, every person felt there was existing a salient point from which commercial prosperity might take its start. It is singular that this should be the moment chosen to foment these disturbances; and the country has suffered in consequence a suspension of that prosperity which might confidently have been anticipated, and of which, I trust, it is not too late to hope for the return.

TECUMSEH

TECUMSEH, or TECUMTHA, a Shawnee warrior and chief, who with his tribe took the British side in the War of 1812–14, was born near the present site of Springfield, O., about the year 1768, and was killed at Moravian Town, Upper Canada, in what is known as the battle of the Thames, Oct. 5, 1813. The War of 1812, sometimes termed in the United States "the second War of Independence," we need hardly relate, was brought about owing to American resistance to British impressment of seamen and the right of search, and to the ulterior impression in English minds that this country not only was in hearty sympathy with France, which had just been at war with England, but that we were playing into the hands of her life-long enemy, Napoleon. The hostility of the Shawnees and their sachem, who sought to enlist all the Western Indians against the United States, was due to encroachment upon their lands by early settlers and to alleged disregard of treaties with their braves. Against this and subjection by the whites, Tecumseh, associated for a time by his twin brother, Elskwatawa, known as "The Prophet," rose in arms and endeavored to array all the dusky tribes of the region in a confederated attack upon the whites. To this he was also aroused owing to the enslavement of his people by the white man's liquor. In the autumn of 1811, a considerable force, under the Prophet, attacked General Harrison, but was defeated at Tippecanoe. When the War of 1812 broke out, Tecumseh led a body of his Shawnees into Canada to the support of the British, who gave him the rank of a brigadier-general; and in the war he fought bravely under General Proctor in several engagements and was twice wounded. His valor, in fact, was inclined to be reckless, though he was considerable of a tactician, and by his eloquence was the idol of his people. Nor was he a savage, as he showed at the siege of Fort Meigs, at the Maumee Rapids in Ohio, in the summer of 1813, when he saved the lives of American prisoners, part of the command of General Harrison, who had fallen into the hands of the British and the Indians. His career came to a close later in the same year, in the battle on the river Thames, which flows into Lake St. Clair, and where he commanded a wing of the allied Indian and British forces that were defeated by General W. H. Harrison, then governor of Indiana Territory, who had won the victory of 1811 at Tippecanoe.

SPEECH AT VINCENNES

[In 1809 Governor Harrison purchased of the Delawares and other tribes of Indians a large tract of country on both sides of the Wabash, and extending up the river sixty miles above Vincennes. Tecumseh was absent during the time of the negotiation, and at his return expressed great dissatisfaction with the sale. On August 12, 1810, he met the governor in council at Vincennes, when he addressed him as follows:]

IT IS true I am a Shawnee. My forefathers were warriors. Their son is a warrior. From them I take only my existence; from my tribe I take nothing. I am the maker of my own fortune; and oh! that I could make that of my red people, and of my country, as great as the conceptions of my mind, when I think of the Spirit that rules the universe. I would not then come to Governor Harrison to ask him to tear the treaty and to obliterate the landmark; but I would say to him, Sir, you have liberty to return to your own country. The being within, communing with past ages, tells me that once, nor until lately, there was no white man on this continent; that it then all belonged to red men, children of the same parents, placed on it by the Great Spirit that made them, to keep it, to traverse it, to enjoy its productions, and to fill it with the same race, once a happy race, since made miserable by the white people, who are never contented, but always encroaching. The way, and the only way to check and to stop this evil, is for all the red men to unite in claiming a common and equal right in the land, as it was at first, and should be yet; for it never was divided, but belongs to all for the use of each. That no part has a right to sell, even to each other, much less to strangers; those who want all, and will not do with less.

The white people have no right to take the land from the Indians, because they had it first; it is theirs. They may sell, but all must join. Any sale not made by all is not valid. The late sale is bad. It was made by a part only. Part do not know how to sell. It requires all to make a bargain for all. All red men have equal rights to the unoccupied land. The right of occupancy is as good in one place as in another. There cannot be two occupations in the same place. The first excludes all others. It is not so in hunting or travelling; for

there the same ground will serve many, as they may follow each other all day; but the camp is stationary, and that is occupancy. It belongs to the first who sits down on his blanket or skins which he has thrown upon the ground; and till he leaves it no other has a right.

SPEECH TO GENERAL PROCTOR

[The following speech, "in the name of the Indian chiefs and warriors to Major-General Proctor, as the representative of their Great Father, the King," is supposed to have been delivered a short time prior to the battle of the Thames, October 5, 1813.]

FATHER, listen to your children! you have them now all before you. The war before this our British father gave the hatchet to his red children, when old chiefs were alive. They are now dead. In that war our father was thrown on his back by the Americans, and our father took them by the hand without our knowledge; and we are afraid that our father will do so again at this time.

Summer before last, when I came forward with my red brethren and was ready to take up the hatchet in favor of our British father, we were told not to be in a hurry, that he had not yet determined to fight the Americans.

Listen! When war was declared, our father stood up and gave us the tomahawk, and told us that he was ready to strike the Americans; that he wanted our assistance, and that he would certainly get us our lands back, which the Americans had taken from us.

Listen! You told us, at that time, to bring forward our families to this place, and we did so; and you promised to take care of them, and that they should want for nothing

while the men would go and fight the enemy. That we need not trouble ourselves about the enemy's garrisons; that we knew nothing about them, and that our father would attend to that part of the business. You also told your red children that you would take good care of your garrison here, which made our hearts glad.

Listen! When we were last at the Rapids, it is true we gave you little assistance. It is hard to fight people who live like ground-hogs.

Father, listen! Our fleet has gone out; we know they have fought; we have heard the great guns; but know nothing of what has happened to our father with one arm. Our ships have gone one way, and we are much astonished to see our father tying up everything and preparing to run away the other, without letting his red children know what his intentions are. You always told us to remain here and take care of our lands. It made our hearts glad to hear that was your wish. Our great father, the King, is the head, and you represent him. You always told us that you would never draw your foot off British ground; but now, father, we see you are drawing back, and we are sorry to see our father doing so without seeing the enemy. We must compare our father's conduct to a fat animal that carries its tail upon its back, but when affrighted it drops it between its legs and runs off.

Listen, father! The Americans have not yet defeated us by land; neither are we sure that they have done so by water — we therefore wish to remain here and fight our enemy should they make their appearance. If they defeat us, we will then retreat with our father.

At the battle of the Rapids, last war, the Americans certainly defeated us; and when we retreated to our father's fort in that place the gates were shut against us. We were afraid

that it would now be the case, but instead of that we now see our British father preparing to march out of his garrison.

Father! You have got the arms and ammunition which our great father sent for his red children. If you have an idea of going away, give them to us, and you may go and welcome, for us. Our lives are in the hands of the Great Spirit. We are determined to defend our lands, and if it is his will we wish to leave our bones upon them.

GEORGE CANNING

GEORGE CANNING

GEORGE CANNING, British statesman, orator, and man of letters, was born of Irish parents at London, April 11, 1770, and died at Chiswick (seat of the Duke of Devonshire), Aug. 8, 1827. He was educated at Eton and at Oxford by his uncle, Stratford Canning, where he was soon known for his ability and wit, which was afterward abundantly manifested in his writings, as well as in his showy though brilliant eloquence in Parliament, and in his power as a burlesquer and lampoonist. In 1794, he entered Parliament under the auspices of Pitt, who two years later appointed him under-secretary of State. At this time he took a rather reactionary course in politics, opposing Parliamentary reform and peace with France, though aiding Wilberforce in his efforts to abolish the Slave trade. Later in his career he evinced, if not his liberalism, his progressive spirit and thorough goodness of heart by aiding Grattan in the latter's efforts on behalf of Catholic emancipation and in furthering the union with Ireland. From 1804 to 1806 he was treasurer of the navy, from 1807 to 1809 minister for foreign affairs, and from 1814 to 1816 served as ambassador at Lisbon. In 1822, on the suicide of Lord Castlereagh, he succeeded him in the secretaryship of foreign affairs, and in 1827 reached the premiership as successor to Lord Liverpool, but died while forming his cabinet. His talents were great as a speaker, the effect of his speeches being heightened by piquancy and a notable mother wit. The latter he especially showed in his amusing parodies in the "Anti-Jacobin," and in the familiar "Needy Knife-Grinder." For his gift as a speaker and orator, see his collected speeches, by R. Therry; also his "Life" by Bell, and "Canning and His Times," by Stapleton.

ON AFFORDING AID TO PORTUGAL

[England had been for nearly two centuries the ally and protector of Portugal and was bound to defend her when attacked.

In 1826, a body of absolutists, headed by the Queen Dowager and the Marquess of Chaves, attempted to destroy the existing Portuguese government, which had been founded on the basis of constitutional liberty. This government had been acknowledged by England, France, Austria, and Russia. It was, however, obnoxious to Ferdinand, king of Spain; and Portugal was invaded from the Spanish territory by large bodies of Portuguese absolutists, who had been there organized with the connivance, if not the direct aid, of the Spanish government.

The Portuguese government now demanded the assistance of England. Five thousand troops were therefore instantly ordered to Lisbon, and Mr. Canning came forward in this speech to explain the reasons of his prompt intervention. The speech, delivered in the House of Commons, Dec. 12, 1826, is considered the masterpiece of his eloquence.]

MR. SPEAKER,— In proposing to the House of Commons to acknowledge, by an humble and dutiful address, his Majesty's most gracious message, and to reply to it in terms which will be, in effect, an echo of the sentiments and a fulfillment of the anticipations of that message, I feel that, however confident I may be in the justice, and however clear as to the policy, of the measures therein announced, it becomes me, as a British minister recommending to Parliament any step which may approximate this country even to the hazard of a war, while I explain the grounds of that proposal, to accompany my explanation with expressions of regret.

I can assure the House that there is not within its walls any set of men more deeply convinced than his Majesty's ministers — nor any individual more intimately persuaded than he who has now the honor of addressing you — of the vital importance of the continuance of peace to this country and to the world.

So strongly am I impressed with this opinion — and for reasons of which I will put the House more fully in possession before I sit down — that I declare there is no question of doubtful or controverted policy — no opportunity of present national advantage — no precaution against remote difficulty — which I would not glady compromise, pass over, or adjourn, rather than call on Parliament to sanction, at this moment, any measure which had a tendency to involve the country in war.

But at the same time, sir, I feel that which has been felt, in the best times of English history, by the best statesmen of this country, and by the Parliaments by whom those statesmen were supported — I feel that there are two causes, and but two causes, which cannot be either compromised, passed over,

or adjourned. These causes are, adherence to the national faith and regard for the national honor.

Sir, if I did not consider both these causes as involved in the proposition which I have this day to make to you, I should not address the House, as I now do, in the full and entire confidence that the gracious communication of his Majesty will be met by the House with the concurrence of which his Majesty has declared his expectation.

In order to bring the matter which I have to submit to you under the cognizance of the House in the shortest and clearest manner, I beg leave to state it, in the first instance, divested of any collateral considerations. It is a case of law and of fact: of national law on the one hand, and of notorious fact on the other; such as it must be, in my opinion, as impossible for Parliament as it was for the government to regard in any but one light, or to come to any but one conclusion upon it.

Among the alliances by which, at different periods of our history, this country has been connected with the other nations of Europe, none is so ancient in origin and so precise in obligation — none has continued so long and been observed so faithfully — of none is the memory so intimately interwoven with the most brilliant records of our triumphs, as that by which Great Britain is connected with Portugal.

It dates back to distant centuries; it has survived an endless variety of fortunes. Anterior in existence to the accession of the house of Braganza to the throne of Portugal, it derived, however, fresh vigor from that event; and never, from that epoch to the present hour, has the independent monarchy of Portugal ceased to be nurtured by the friendship of Great Britain.

This alliance has never been seriously interrupted; but it

has been renewed by repeated sanctions. It has been maintained under difficulties by which the fidelity of other alliances were shaken, and has been vindicated in fields of blood and of glory.

That the alliance with Portugal has been always unqualifiedly advantageous to this country—that it has not been sometimes inconvenient and sometimes burdensome — I am not bound or prepared to maintain. But no British statesman, so far as I know, has ever suggested the expediency of shaking it off; and it is assuredly not at a moment of need that honor and what I may be allowed to call national sympathy would permit us to weigh with an over-scrupulous exactness the amount of difficulties and dangers attendant upon its faithful and steadfast observance. What feelings of national honor would forbid is forbidden alike by the plain dictates of national faith.

It is not at distant periods of history and in bygone ages only that the traces of the union between Great Britain and Portugal are to be found. In the last compact of modern Europe, the compact which forms the basis of its present international law — I mean the treaty of Vienna of 1815 — this country, with its eyes open to the possible inconveniences of the connection, but with a memory awake to its past benefits, solemnly renewed the previously existing obligations of alliance and amity with Portugal. I will take leave to read to the House the third article of the treaty concluded at Vienna, in 1815, between Great Britain on the one hand, and Portugal on the other. It is couched in the following terms:

"The treaty of alliance, concluded at Rio de Janeiro, on the 19th of February, 1810, being founded on circumstances of a temporary nature which have happily ceased to exist, the said treaty is hereby declared to be void in all its parts, and of

no effect; without prejudice, however, to the ancient treaties of alliance, friendship, and guarantee, which have so long and so happily subsisted between the two Crowns, and which are hereby renewed by the high contracting parties and acknowledged to be of full force and effect."

In order to appreciate the force of this stipulation — recent in point of time, recent, also, in the sanction of Parliament — the House will perhaps allow me to explain shortly the circumstances in reference to which it was contracted.

In the year 1807, when, upon the declaration of Bonaparte that the house Braganza had ceased to reign, the King of Portugal, by the advice of Great Britain, was induced to set sail for the Brazils; almost at the very moment of his most faithful Majesty's embarkation, a secret convention was signed between his Majesty and the King of Portugal, stipulating that, in the event of his most faithful Majesty's establishing the seat of his government in Brazil, Great Britain would never acknowledge any other dynasty than that of the house of Braganza on the throne of Portugal.

That convention, I say, was contemporaneous with the migration to the Brazils; a step of great importance at the time, as removing from the grasp of Bonaparte the sovereign family of Braganza. Afterward, in the year 1810, when the seat of the King of Portugal's government was established at Rio de Janeiro, and when it seemed probable, in the then apparently hopeless condition of the affairs of Europe, that it was likely long to continue there, the secret convention of 1807, of which the main object was accomplished by the fact of the emigration to Brazil, was abrogated, and a new and public treaty was concluded, into which was transferred the stipulation of 1807, binding Great Britain, so long as his faithful Majesty should be compelled to reside in Brazil, not

to acknowledge any other sovereign of Portugal than a member of the house of Braganza. That stipulation, which had hitherto been secret, thus became patent, and part of the known law of nations.

In the year 1814, in consequence of the happy conclusion of the war, the option was afforded to the King of Portugal of returning to his European dominions. It was then felt that, as the necessity of his most faithful Majesty's absence from Portugal had ceased, the ground for the obligation originally contracted in the secret convention of 1807, and afterward transferred to the patent treaty of 1810, was removed. The treaty of 1810 was therefore annulled at the Congress of Vienna, and, in lieu of the stipulation not to acknowledge any other sovereign of Portugal than a member of the house of Braganza, was substituted that which I have just read to the House.

Annulling the treaty of 1810, the treaty of Vienna renews and confirms (as the House will have seen) all former treaties between Great Britain and Portugal, describing them as "ancient treaties of alliance, friendship, and guarantee;" as having "long and happily subsisted between the two Crowns;" and as being allowed, by the two high contracting parties, to remain "in full force and effect."

What, then, is the force — what is the effect of those ancient treaties? I am prepared to show to the House what it is. But before I do so I must say that if all the treaties to which this article of the treaty of Vienna refers had perished by some convulsion of nature, or had by some extraordinary accident been consigned to total oblivion, still it would be impossible not to admit, as an incontestable inference from this article of the treaty of Vienna alone, that in a moral point of view there is incumbent on Great Britain

a decided obligation to act as the effectual defender of Portugal.

If I could not show the letter of a single antecedent stipulation I should still contend that a solemn admission, only ten years old, of the existence at that time of "treaties of alliance, friendship, and guarantee," held Great Britain to the discharge of the obligations which that very description implies. But fortunately there is no such difficulty in specifying the nature of those obligations. All of the preceding treaties exist; all of them are of easy reference, all of them are known to this country, to Spain, to every nation of the civilized world. They are so numerous, and their general result is so uniform, that it may be sufficient to select only two of them to show the nature of all.

The first to which I shall advert is the treaty of 1661, which was concluded at the time of the marriage of Charles the Second with the Infanta of Portugal. After reciting the marriage, and making over to Great Britain, in consequence of that marriage, first, a considerable sum of money, and, secondly, several important places, some of which, as Tangier, we no longer possess; but others of which, as Bombay, still belong to this country, the treaty runs thus:

"In consideration of all which grants, so much to the benefit of the King of Great Britain and his subjects in general, and of the delivery of those important places to his said Majesty and his heirs forever, etc., the King of Great Britain does profess and declare, with the consent and advice of his council, that he will take the interests of Portugal and all its dominions to heart, defending the same with his utmost power by sea and land, even as England itself."

It then proceeds to specify the succors to be sent, and the manner of sending them.

I come next to the treaty of 1703, a treaty of alliance con-

temporaneous with the Methuen treaty, which has regulated, for upward of a century, the commercial relations of the two countries. The treaty of 1703 was a tripartite engagement between the States-General of Holland, England, and Portugal. The second article of that treaty sets forth that—

"If ever it shall happen that the Kings of Spain and France, either the present or the future, that both of them together, or either of them separately, shall make war, or give occasion to suspect that they intend to make war upon the kingdom of Portugal, either on the continent of Europe or on its dominions beyond the seas; her Majesty the Queen of Great Britain, and the lords the States-General, shall use their friendly offices with the said Kings, or either of them, in order to persuade them to observe the terms of peace toward Portugal, and not to make war upon it."

The third article declares—

"That in the event of these good offices not proving successful, but altogether ineffectual, so that war should be made by the aforesaid Kings, or by either of them, upon Portugal, the above-mentioned powers of Great Britain and Holland shall make war with all their force upon the aforesaid Kings or King who shall carry hostile arms into Portugal; and toward that war which shall be carried on in Europe they shall supply twelve thousand men, whom they shall arm and pay, as well when in quarters as in action; and the said high allies shall be obliged to keep that number of men complete, by recruiting it from time to time at their own expense."

I am aware, indeed, that with respect to either of the treaties which I have quoted it is possible to raise a question — whether variation of circumstances or change of times may not have somewhat relaxed its obligations. The treaty of 1661, it might be said, was so loose and prodigal in the wording, it is so unreasonable, so wholly out of nature, that any one country should be expected to defend another, "even as itself;" such stipulations are of so exaggerated a character

as to resemble effusions of feeling rather than enunciations of deliberate compact.

Again, with respect to the treaty of 1703, if the case rested on that treaty alone, a question might be raised whether or not, when one of the contracting parties — Holland — had since so changed her relations with Portugal as to consider her obligations under the treaty of 1703 as obsolete—whether or not, I say, under such circumstances, the obligation on the remaining party be not likewise void. I should not hesitate to answer both these objections in the negative.

But without entering into such a controversy it is sufficient for me to say that the time and place for taking such objections was at the Congress at Vienna. Then and there it was that if you, indeed, considered these treaties as obsolete, you ought frankly and fearlessly to have declared them to be so. But then and there, with your eyes open, and in the face of all modern Europe, you proclaimed anew the ancient treaties of alliance, friendship, and guarantee, "so long subsisting between the Crowns of Great Britain and Portugal," as still "acknowledged by Great Britain" and still "of full force and effect." It is not, however, on specific articles alone; it is not so much, perhaps, on either of these ancient treaties, taken separately, as it is on the spirit and understanding of the whole body of treaties, of which the essence is concentrated and preserved in the treaty of Vienna, that we acknowledge in Portugal a right to look to Great Britain as her ally and defender.

This, sir, being the state, morally and politically, of our obligations toward Portugal, it is obvious that when Portugal, in apprehension of the coming storm, called on Great Britain for assistance, the only hestitation on our part could be — not whether that assistance was due, supposing the occasion

for demanding it to arise, but simply whether that occasion, in other words, whether *casus fœderis* had arisen.

I understand, indeed, that in some quarters it has been imputed to his Majesty's ministers that an extraordinary delay intervened between the taking of the determination to give assistance to Portugal and the carrying of that determination into effect. But how stands the fact? On Sunday, the third of this month, we received from the Portuguese ambassador a direct and formal demand of assistance against a hostile aggression from Spain. Our answer was, that although rumors had reached us through France his Majesty's government had not that accurate information — that official and precise intelligence of facts — on which they could properly found an application to Parliament. It was only on last Friday night that this precise information arrived. On Saturday his Majesty's confidential servants came to a decision. On Sunday that decision received the sanction of his Majesty. On Monday it was communicated to both Houses of Parliament; and this day, sir, at the hour in which I have the honor of addressing you, the troops are on their march for embarkation.

I trust, then, sir, that no unseemly delay is imputable to government. But undoubtedly, on the other hand, when the claim of Portugal for assistance, a claim clear, indeed, in justice, but at the same time fearfully spreading in its possible consequences, came before us, it was the duty of his Majesty's government to do nothing on hearsay. The eventual force of the claim was admitted; but a thorough knowledge of facts was necessary before the compliance with that claim could be granted. The government here labored under some disadvantage. The rumors which reached us through Madrid were obviously distorted, to answer partial political

purposes; and the intelligence through the press of France, though substantially correct, was, in particulars, vague and contradictory. A measure of grave and serious moment could never be founded on such authority; nor could the ministers come down to Parliament until they had a confident assurance that the case which they had to lay before the legislature was true in all its parts.

But there was another reason which induced a necessary caution. In former instances when Portugal applied to this country for assistance the whole power of the state in Portugal was vested in the person of the monarch. The expression of his wish, the manifestation of his desire, the putting forth of his claim, was sufficient ground for immediate and decisive action on the part of Great Britain, supposing the *casus fœderis* to be made out. But, on this occasion, inquiry was in the first place to be made whether, according to the new constitution of Portugal, the call upon Great Britain was made with the consent of all the powers and authorities competent to make it, so as to carry with it an assurance of that reception in Portugal for our army which the army of a friend and ally had a right to expect. Before a British soldier should put his foot on Portuguese ground, nay, before he should leave the shores of England, it was our duty to ascertain that the step taken by the Regency of Portugal was taken with the cordial concurrence of the legislature of that country. It was but this morning that we received intelligence of the proceedings of the Chambers at Lisbon, which establishes the fact of such concurrence. This intelligence is contained in a dispatch from Sir W. A'Court, dated 29th of November, of which I will read an extract to the House:

"The day after the news arrived of the entry of the rebels into Portugal, the ministers demanded from the Chambers

an extension of power for the executive government, and the permission to apply for foreign succors, in virtue of ancient treaties, in the event of their being deemed necessary. The deputies gave the requisite authority by acclamation; and an equally good spirit was manifested by the peers, who granted every power that the ministers could possibly require. They even went further, and, rising in a body from their seats, declared their devotion to their country, and their readiness to give their personal services, if necessary, to repel any hostile invasion. The Duke de Cadaval, president of the Chamber, was the first to make this declaration; and the minister who described this proceeding to me said it was a movement worthy of the good days of Portugal!"

I have thus incidentally disposed of the supposed imputation of delay in complying with the requisition of the Portuguese government. The main question, however, is this: Was it obligatory upon us to comply with that requisition? In other words, had the *casus fœderis* arisen? In our opinion it had. Bands of Portuguese rebels, armed, equipped, and trained in Spain, had crossed the Spanish frontier, carrying terror and devastation into their own country, and proclaiming sometimes the brother of the reigning sovereign of Portugal, sometimes a Spanish princess, and sometimes even Ferdinand of Spain, as the rightful occupant of the Portuguese throne. These rebels crossed the frontier, not at one point only, but at several points; for it is remarkable that the aggression on which the original application to Great Britain for succor was founded is not the aggression with reference to which that application has been complied with.

The attack announced by the French newspapers was on the north of Portugal, in the province of Tras-os-Montes; an official account of which has been received by his Majesty's government only this day. But on Friday an account was received of an invasion in the south of Portugal, and of the

capture of Villa Viciosa, a town lying on the road from the southern frontier to Lisbon. This new fact established even more satisfactorily than a mere confirmation of the attack first complained of would have done, the systematic nature of the aggression of Spain against Portugal. One hostile irruption might have been made by some single corps escaping from their quarters — by some body of stragglers who might have evaded the vigilance of Spanish authorities; and one such accidental and unconnected act of violence might not have been conclusive evidence of cognizance and design on the part of those authorities: but when a series of attacks are made along the whole line of a frontier it is difficult to deny that such multiplied instances of hostility are evidence of concerted aggression.

If a single company of Spanish soldiers had crossed the frontier in hostile array, there could not, it is presumed, be a doubt as to the character of that invasion. Shall bodies of men, armed, clothed, and regimented by Spain, carry fire and sword into the bosom of her unoffending neighbor; and shall it be pretended that no attack, no invasion has taken place, because, forsooth, these outrages are committed against Portugal by men to whom Portugal had given birth and nurture? What petty quibbling would it be to say that an invasion of Portugal from Spain was not a Spanish invasion because Spain did not employ her own troops, but hired mercenaries to effect her purpose? And what difference is it, except as an aggravation, that the mercenaries in this instance were natives of Portugal.

I have already stated, and I now repeat, that it never has been the wish or the pretension of the British government to interfere in the internal concerns of the Portuguese nation. Questions of that kind the Portuguese nation must settle

among themselves. But if we were to admit that hordes of traitorous refugees from Portugal, with Spanish arms, or arms furnished or restored to them by Spanish authorities, in their hands, might put off their country for one purpose and put it on again for another — put it off for the purpose of attack, and put it on again for the purpose of impunity — if, I say, we were to admit this juggle, and either pretend to be deceived by it ourselves, or attempt to deceive Portugal, into a belief that there was nothing of external attack, nothing of foreign hostility, in such a system of aggression — such pretence and attempt would perhaps be only ridiculous and contemptible; if they did not acquire a much more serious character from being employed as an excuse for infidelity to ancient friendship, and as a pretext for getting rid of the positive stipulations of treaties.

This, then, is the case which I lay before the House of Commons. Here is, on the one hand, an undoubted pledge of national faith, not taken in a corner, not kept secret between the parties, but publicly recorded among the annals of history, in the face of the world. Here are, on the other hand, undeniable acts of foreign aggression, perpetrated, indeed, principally through the instrumentality of domestic traitors, but supported with foreign means, instigated by foreign councils, and directed to foreign ends. Putting these facts and this pledge together, it is impossible that his Majesty should refuse the call that has been made upon him; nor can Parliament, I am convinced, refuse to enable his Majesty to fulfill his undoubted obligations. I am willing to rest the whole question of to-night, and to call for the vote of the House of Commons upon this simple case, divested altogether of collateral circumstances from which I especially wish to separate it in the minds of those who hear me, and also in

the minds of others to whom what I now say will find its way. If I were to sit down this moment, without adding another word, I have no doubt but that I should have the concurrence of the House in the address which I mean to propose.

When I state this, it will be obvious to the House that the vote for which I am about to call upon them is a vote for the defense of Portugal, not a vote for war against Spain. I beg the House to keep these two points entirely distinct in their consideration. For the former I think I have said enough. If, in what I have now further to say, I should bear hard upon the Spanish government, I beg that it may be observed that, unjustifiable as I shall show their conduct to have been — contrary to the law of nations, contrary to the law of good neighborhood, contrary, I might say, to the laws of God and man — with respect to Portugal — still I do not mean to preclude a *locus pœnitentiæ*, a possibility of redress and reparation. It is our duty to fly to the defence of Portugal, be the assailant who he may. And be it remembered that in thus fulfilling the stipulation of ancient treaties, of the existence and obligation of which all the world are aware, we, according to the universally admitted construction of the law of nations, neither make war upon that assailant, nor give to that assailant, much less to any other power, just cause of war against ourselves.

Sir, the present situation of Portugal is so anomalous, and the recent years of her history are crowded with events so unusual, that the House will, perhaps, not think that I am unprofitably wasting its time if I take the liberty of calling its attention, shortly and succinctly, to those events, and to their influence on the political relations of Europe. It is known that the consequence of the residence of the king of

Portugal in Brazil was to raise the latter country from a colonial to a metropolitan condition; and that, from the time when the King began to contemplate his return to Portugal, there grew up in Brazil a desire of independence that threatened dissension, if not something like civil contest, between the European and American dominions of the house of Braganza. It is known, also, that Great Britain undertook a mediation between Portugal and Brazil, and induced the King to consent to a separation of the two Crowns — confirming that of Brazil on the head of his eldest son. The ink with which this agreement was written was scarcely dry when the unexpected death of the King of Portugal produced a new state of things which reunited on the same head the two Crowns which it had been the policy of England, as well as of Portugal and of Brazil, to separate. On that occasion Great Britain and another European court closely connected with Brazil tendered advice to the Emperor of Brazil, now become King of Portugal, which advice it cannot be accurately said that his Imperial Majesty followed, because he had decided for himself before it reached Rio de Janeiro; but in conformity with which advice, though not in consequence of it, his Imperial Majesty determined to abdicate the Crown of Portugal in favor of his eldest daughter. But the Emperor of Brazil had done more. What had not been foreseen — what would have been beyond the province of any foreign power to advise — his Imperial Majesty had accompanied his abdication of the Crown of Portugal with the grant of a free constitutional charter for that kingdom. It has been surmised that this measure, as well as the abdication which it accompanied, was the offspring of our advice. No such thing — Great Britain did not suggest this measure. It is not her duty nor her practice to offer suggestions for the internal regulation of foreign

States. She neither approved nor disapproved of the grant of a constitutional charter to Portugal; her opinion upon that grant was never required.

True it is that the instrument of the constitutional charter was brought to Europe by a gentleman of high trust in the service of the British government. Sir C. Stuart had gone to Brazil to negotiate the separation between that country and Portugal. In addition to his character of plenipotentiary of Great Britain, as the mediating power, he had also been invested by the King of Portugal with the character of his most faithful Majesty's plenipotentiary for the negotiation with Brazil. That negotiation had been brought to a happy conclusion; and therewith the British part of Sir C. Stuart's commission had terminated.

But Sir C. Stuart was still resident at Rio de Janeiro as the plenipotentiary of the King of Portugal for negotiating commercial arrangements between Portugal and Brazil. In this latter character it was that Sir C. Stuart, on his return to Europe, was requested by the Emperor of Brazil to be the bearer to Portugal of the new constitutional charter.

His Majesty's government found no fault with Sir C. Stuart for executing this commission; but it was immediately felt that if Sir C. Stuart were allowed to remain at Lisbon it might appear in the eyes of Europe that England was the contriver and imposer of the Portuguese constitution. Sir C. Stuart was therefore directed to return home forthwith, in order that the constitution, if carried into effect there, might plainly appear to be adopted by the Portuguese nation itself, not forced upon them by English interference.

As to the merits, sir, of the new constitution of Portugal, I have neither the intention nor the right to offer any opinion. Personally I may have formed one; but as an English min-

ister all I have to say is, "May God prosper this attempt at the establishment of constitutional liberty in Portugal! and may that nation be found as fit to enjoy and to cherish its newborn privileges as it has often proved itself capable of discharging its duties among the nations of the world!"

I, sir, am neither the champion nor the critic of the Portuguese constitution. But it is admitted on all hands to have proceeded from a legitimate source — a consideration which has mainly reconciled continental Europe to its establishment; and to us, as Englishmen, it is recommended by the ready acceptance which it has met with from all orders of the Portuguese people. To that constitution, therefore, thus unquestioned in its origin, even by those who are most jealous of new institutions — to that constitution, thus sanctioned in its outset by the glad and grateful acclamations of those who are destined to live under it — to that constitution, founded on principles in a great degree similar to those of our own, though differently modified — it is impossible that Englishmen should not wish well.

But it would not be for us to force that constitution on the people of Portugal if they were unwilling to receive it, or if any schism should exist among the Portuguese themselves as to its fitness and congeniality to the wants and wishes of the nation. It is no business of ours to fight its battles. We go to Portugal in the discharge of a sacred obligation contracted under ancient and modern treaties.

When there, nothing shall be done by us to enforce the establishment of the constitution; but we must take care that nothing shall be done by others to prevent it from being fairly carried into effect. Internally, let the Portuguese settle their own affairs; but with respect to external force, while Great Britain has an arm to raise, it must be raised against the

efforts of any power that should attempt forcibly to control the choice and fetter the independence of Portugal.

Has such been the intention of Spain? Whether the proceedings which have lately been practised or permitted in Spain were acts of a government exercising the usual power of prudence and foresight (without which a government is, for the good of the people which live under it, no government at all), or whether they were the acts of some secret illegitimate power — of some curious fanatical faction, overriding the counsels of the ostensible government, defying it in the capital, and disobeying it on the frontiers — I will not stop to inquire.

It is indifferent to Portugal, smarting under her wrongs — it is indifferent to England, who is called upon to avenge them — whether the present state of things be the result of the intrigues of a faction, over which, if the Spanish government has no control, it ought to assume one as soon as possible — or of local authorities, over whom it has control, and for whose acts it must therefore be held responsible. It matters not, I say, from which of these sources the evil has arisen. In either case Portugal must be protected; and from England that protection is due.

It would be unjust, however, to the Spanish government, to say that it is only among the members of that government that an unconquerable hatred of liberal institutions exists in Spain. However incredible the phenomenon may appear in this country, I am persuaded that a vast majority of the Spanish nation entertain a decided attachment to arbitrary power and a predilection for absolute government. The more liberal institutions of countries in the neighborhood have not yet extended their influence into Spain, nor awakened any sympathy in the mass of the Spanish people. Whether the public authorities of Spain did or did not partake of the

national sentiment, there would almost necessarily grow up between Portugal and Spain, under present circumstances, an opposition of feelings which it would not require the authority or the suggestions of the government to excite and stimulate into action. Without blame, therefore, to the government of Spain — out of the natural antipathy between the two neighboring nations; the one prizing its recent freedom, the other hugging its traditionary servitude — there might arise mutual provocations and reciprocal injuries which perhaps even the most active and vigilant ministry could not altogether restrain.

I am inclined to believe that such has been, in part at least, the origin of the differences between Spain and Portugal. That in their progress they have been adopted, matured, methodized, combined, and brought into more perfect action, by some authority more united and more efficient than the mere feeling disseminated through the mass of the community, is certain; but I do believe their origin to have been as much in the real sentiment of the Spanish population as in the opinion or contrivance of the government itself.

Whether this be or be not the case is precisely the question between us and Spain. If, though partaking in the general feelings of the Spanish nation, the Spanish government has, nevertheless, done nothing to embody those feelings and to direct them hostilely against Portugal; if all that has occurred on the frontiers has occurred only because the vigilance of the Spanish government has been surprised, its confidence betrayed, and its orders neglected; if its engagements have been repeatedly and shamefully violated, not by its own good will, but against its recommendation and desire — let us see some symptoms of disapprobation, some signs of repentance, some measures indicative of sorrow for the past and of sincerity

for the future. In that case his Majesty's message, to which I propose this night to return an answer of concurrence, will retain the character which I have ascribed to it — that of a measure of defence for Portugal, not a measure of resentment against Spain.

With these explanations and qualifications let us now proceed to the review of facts. Great desertions took place from the Portuguese army into Spain, and some desertions took place from the Spanish army into Portugal. In the first instance the Portuguese authorities were taken by surprise; but in every subsequent instance, where they had an opportunity of exercising a discretion, it is but just to say that they uniformly discouraged the desertions of the Spanish soldiery. There exist between Spain and Portugal specific treaties stipulating the mutual surrender of deserters.

Portugal had, therefore, a right to claim of Spain that every Portuguese deserter should be forthwith sent back. I hardly know whether from its own impulse, or in consequence of our advice, the Portuguese government waived its right under those treaties; very wisely reflecting that it would be highly inconvenient to be placed, by the return of their deserters, in the difficult alternative of either granting a dangerous amnesty or ordering numerous executions.

The Portuguese government, therefore, signified to Spain that it would be entirely satisfied if, instead of surrendering the deserters, Spain would restore their arms, horses, and equipments; and, separating the men from their officers, would remove both from the frontiers into the interior of Spain.

Solemn engagements were entered into by the Spanish government to this effect, first with Portugal, next with France, and afterward with England. Those engagements, concluded one day, were violated the next. The deserters, instead of

being disarmed and dispersed, were allowed to remain congregated together near the frontiers of Portugal, where they were enrolled, trained, and disciplined for the expedition which they have since undertaken. It is plain that in these proceedings there was perfidy somewhere.

It rests with the Spanish government to show that it was not with them. It rests with the Spanish government to prove that, if its engagements have not been fulfilled — if its intentions have been eluded and unexecuted — the fault has not been with the government, and that it is ready to make every reparation in its power.

I have said that these promises were made to France and to Great Britain as well as to Portugal. I should do a great injustice to France if I were not to add that the representations of that government upon this point to the cabinet of Madrid have been as urgent, and, alas! as fruitless, as those of Great Britain. Upon the first irruption into the Portuguese territory, the French government testified its displeasure by instantly recalling its ambassador; and it further directed its *chargé d'affaires* to signify to his Catholic Majesty that Spain was not to look for any support from France against the consequences of this aggression upon Portugal.

I am bound, I repeat, in justice to the French government, to state that it has exerted itself to the utmost in urging Spain to retrace the steps which she has so unfortunately taken. It is not for me to say whether any more efficient course might have been adopted to give effect to their exhortations; but as to the sincerity and good faith of the exertions made by the government of France to press Spain to the execution of her engagements I have not the shadow of a doubt, and I confidently reckon upon their continuance.

It will be for Spain, upon knowledge of the step now taken

by his Majesty, to consider in what way she will meet it. The earnest hope and wish of his Majesty's government is that she may meet it in such a manner as to avert any ill consequences to herself from the measure into which we have been driven by the unjust attack upon Portugal.

Sir, I set out with saying that there were reasons which entirely satisfied my judgment that nothing short of a point of national faith or national honor would justify, at the present moment, any voluntary approximation to the possibility of war.

Let me be understood, however, distinctly as not meaning to say that I dread war in a good cause (and in no other may it be the lot of this country ever to engage!) from a distrust of the strength of the country to commence it, or of her resources to maintain it. I dread it, indeed — but upon far other grounds: I dread it from an apprehension of the tremendous consequences which might arise from any hostilities in which we might now be engaged.

Some years ago, in the discussion of the negotiations respecting the French war against Spain, I took the liberty of adverting to this topic. I then stated that the position of this country in the present state of the world was one of neutrality, not only between contending nations, but between conflicting principles; and that it was by neutrality alone that we could maintain that balance, the preservation of which I believed to be essential to the welfare of mankind. I then said that I feared that the next war which should be kindled in Europe would be a war not so much of armies as of opinions.

Not four years have elapsed, and behold my apprehension realized! It is, to be sure, within narrow limits that this war of opinion is at present confined; but it is a war of opinion that Spain (whether as government or as nation) is now waging

against Portugal; it is a war which has commenced in hatred of the new institutions of Portugal. How long is it reasonable to expect that Portugal will abstain from retaliation? If into that war this country shall be compelled to enter, we shall enter into it with a sincere and anxious desire to mitigate rather than exasperate, and to mingle only in the conflict of arms, not in the more fatal conflict of opinions.

But I much fear that this country (however earnestly she may endeavor to avoid it) could not, in such case, avoid seeing ranked under her banners all the restless and dissatisfied of any nation with which she might come in conflict. It is the contemplation of this new power in any future war which excites my most anxious apprehension. It is one thing to have a giant's strength, but it would be another to use it like a giant.

The consciousness of such strength is, undoubtedly, a source of confidence and security; but in the situation in which this country stands our business is not to seek opportunities of displaying it, but to content ourselves with letting the professors of violent and exaggerated doctrines on both sides feel that it is not their interest to convert an umpire into an adversary. The situation of England amid the struggle of political opinions which agitates more or less sensibly different countries of the world may be compared to that of the Ruler of the Winds as described by the poet:

> "Celsâ sedet Æolus arce,
> Sceptra tenens; mollitque animos et temperat iras;
> Ni faciat, maria ac terras cœlumque profundum
> Quippe ferant rapidi secum, verrantque per auras." [1]

---

[1] Æolus sits upon his lofty tower
And holds the sceptre, calming all their rage:
Else would they bear sea, earth, and heaven profound
In rapid flight, and sweep them through the air."
Virgil's Æneid, book 1, lines 56-59.

The consequence of letting loose the passions at present chained and confined would be to produce a scene of desolation which no man can contemplate without horror; and I should not sleep easy on my couch if I were conscious that I had contributed to precipitate it by a single moment.

This, then, is the reason — a reason very different from fear — the reverse of a consciousness of disability, why I dread the recurrence of hostilities in any part of Europe; why I would bear much and would forbear long; why I would (as I have said) put up with almost anything that did not touch national faith and national honor rather than let slip the furies of war, the leash of which we hold in our hands — not knowing whom they may reach or how far their ravages may be carried. Such is the love of peace which the British government acknowledges; and such the necessity for peace which the circumstances of the world inculcate. I will push these topics no further.

I return, in conclusion, to the object of the Address. Let us fly to the aid of Portugal, by whomsoever attacked, because it is our duty to do so; and let us cease our interference where that duty ends. We go to Portugal not to rule, not to dictate, not to prescribe constitutions, but to defend and to preserve the independence of an ally. We go to plant the standard of England on the well-known heights of Lisbon. Where that standard is planted, foreign dominion shall not come.

TRISTAM BURGES

TRISTAM BURGES, an American jurist and orator, was born at Rochester, Mass., Feb. 26, 1770, and died at Providence, R. I., Oct. 13, 1853. In 1796, he graduated from Brown University and after studying law was admitted to the Rhode Island Bar in 1799 and speedily rose to high rank in his profession. His strong Federalist views carried him into the Rhode Island legislature in 1811. In 1815, he was appointed chief-justice of the Rhode Island supreme court, and from 1815 to 1825 he held the chair of oratory and belles-lettres in his *alma mater*. In 1825, he was elected to Congress and served continuously there until 1835. His most notable speech was delivered in reply to John Randolph, who had applied the classic phrase, "*Delenda est Carthago*," to New England. Burges's indignant oratory, abounding in the sharpest sarcasm, was too much for Randolph to endure, and he precipitately left the hall of Representatives and never spoke there afterward. Burges, after an unsuccessful fight, in 1836, for the governorship of Rhode Island, resumed his professional practice and died in his eighty-fourth year. He published various orations and speeches, "The Battle of Lake Erie" (1839), and several poems. See the "Memoirs," by H. L. Bowen (Providence, R. I., 1839).

REBUKE TO RANDOLPH

[A subject was now under discussion, of vital importance to the Union—the tariff. Mr. Burges having observed, in the course of an argument on the amendment to the bill then under consideration, that there was a disposition among some gentlemen to support British interests, in preference to American, Mr. Randolph rose and interrupted him, saying, "This hatred of aliens, sir, is the undecayed spirit which called forth the proposition to enact the Alien and Sedition Law: I advise the gentleman from Rhode Island to move a reënactment of those laws, to prevent the impudent foreigner from rivalling the American seller. New England,—what is she? Sir, do you remember that appropriate exclamation,—'*Delenda est Carthago*?'"]

DOES the gentleman mean to say, sir, New England must be destroyed? If so, I will remind him that the fall of Carthage was the precursor of the fall of Rome. Permit me to suggest to him to carry out the parallel. Further, sir, I wish it to be distinctly understood that I am not bound by any rules to argue against Bedlam, but when I hear anything rational in the hallucinations of the gentleman I will answer them.

[The Speaker interposed, and Mr. Burges resumed his seat, saying, "Perhaps it is better, sir, that I should not go on." The next day he continued his speech on the proposed amendment. He embraced this opportunity to refute the assertion made by Mr. Randolph a few days previous in his remarks on the same subject.]

This attempt to destroy all, yes, all protection of New England labor, skill, and capital, has, by the gentleman from Virginia [Mr. Randolph], being justified by a public declaration made by him, in his place on this floor, that the whole capital of New England originated in a robbery; a robbery committed more than forty years ago, and committed, too, on the officers and soldiers of the revolutionary army. If it were a fact, what punishment is due to those who perpetrated the felony? If by force, the gallows; if by fraud, the loss of ears, and the pillory. If it be not true, what is merited by him who has, knowing all the truth, made the accusation? The punishment, sir, he merits, which would have alighted on him in that community where it was first enacted: "Thou shalt not bear false witness against thy neighbor." What was that? *Lex talionis*, "an eye for an eye." He who would, by false accusation, peril the life or limb of another, did thereby place his own life and limbs in the same jeopardy. Let judgment pass to another audit.

> "Nor what to oblivion better were resigned,
> Be hung on high to poison half mankind."

In the Revolutionary war all who were Whigs and patriots, all who were not Tories and enemies to their country, contended for the independence of the United States, and united their whole means in the public service. When the war was finished, balances were due, some more, some less, to the several States. Balances were also due to many individuals who had furnished supplies. To the army a debt of gratitude

was due which the world has not wealth enough to pay, and the United States owed them, moreover, a great amount of arrears of pay, for subsistence, and for depreciation of that currency in which they had for several years of the war received their wages. To all the soldiers who had continued in service from 1780 until the army was disbanded, a bounty was due; and all the officers who had served from the same date until the same period were entitled to receive half the amount of their monthly pay during the whole term of their natural lives.

In lieu of this half pay, Congress, after the close of the war, promised to pay all such officers five years' full pay in hand, in money or security, bearing a yearly interest of six per cent. So soon as it could be effected, all those several creditors received from the United States, by officers for that purpose by Congress appointed, certain certificates of the several sums due to each individual creditor. These certificates were issued, in the different States, to the creditors of the United States, belonging to such States; and were payable to the person or States to whom the same were due; or to bearer, on demand, with interest. These certificates were the evidences of the amount of the domestic debt of the United States to each of the States and to each individual in such States. They drew interest by their tenor, and were payable on demand to whomsoever might be the bearer of them. They were, and were intended to be, a circulating medium. Had the United States been in funds for the payment of them, or of the interest, the medium would, in the absence of gold and silver, as was then the condition of the United States, have been equal to that currency. It would have been equal to the present United States bank paper, or to the United States stocks. The nation was without funds and then

utterly insolvent. This medium, like the emissions of Continental paper bills, fell much below par.

It nevertheless continued to circulate, and was, as Continental bills had been before they become of no value, a medium of exchange. Men went to market with it, as with other paper bills with which they had been accustomed to go to market. The medium had a market value, as well known, though much below it, as the market value of silver and gold. Like the old Continental or the treasury notes of the last war, or the bank paper, at that period, of all the banks in the country, excepting New England, it passed from hand to hand by delivery: being payable to bearer, no written transfer was required, and, the market value being generally known, every person who passed it away, and every man who received it, knew at what price it was so passed, and governed himself accordingly. If one man owed for goods received, or wished to purchase goods at the market, to the amount of one hundred dollars, and these certificates, then a circulating medium, were at fifty cents for a dollar, he sent two hundred dollars to his creditor or to the market. If they were at twenty-five cents he sent four hundred dollars; if at twelve and a half cents, eight hundred dollars.

This, sir, constituted the greatest part of the buying and selling done in the market. What color had the gentleman to call such a transaction robbery? Was it less fair and honest than dealing in any other medium?—in Continental bills, while they were current?—in treasury notes, twenty per cent below par, as they were in the last war?—in the depreciated paper of any established—legally established—bank? Are not all of this description of paper subjected to this difficulty at different distances from the office of discount and payment?

Why, the whole paper medium of the world is at a discount

at any commercially calculated distance from the place of payment, unless prevented by the accidents of trade. When I am at Providence, is not a note, bill, or bond of any stock payable in Providence worth more to me than if payable at Boston, or New York, or Philadelphia, or Baltimore, unless I want money at either of these cities? This, sir, creates an exchange, and puts all the paper credit at a discount or a premium in the whole commercial world. Is it a felony to deal in it, because depreciated or appreciated? No: not, sir, if you pay the market value for it.

These two circumstances, distance of the place of payment, and the uncertainty of the solvency of the debtor,—the one or the other, and often both,—place all that part of the circulating medium of the world at some rate of discount, and render almost all exchanges a kind of barter, to be managed by a price current, and not by a money transaction. Even gold and silver vary in exchangeable value, and it is only the minor operations of trade which are governed by entire reference to the standard value of coin, either gold or silver. These two solid mediums have an exchange, one against the other, and, in all great transactions, must be governed, not by the laws of the mint, but by those of commerce, bargain, and convention.

What medium, then, shall he use? What shall be done by the gentleman too pure to deal in any depreciating medium? What shall be done when his hard-money system utterly, in principle, fails him? Turn anchorite. Deal only in bacon, beans, and tobacco. Here, too, the curse of commerce will meet him; and the want of an eternal standard value, by the changing market value of his glorious staples, will leave him to the necessary bargaining and higgling of trade, like any mere honest man of this world.

Is it robbery, sir, is it robbery, to deal in anything depreciated in market value below its original cost? May we not buy that to-day which cost less than it would yesterday? Then, sir, whatever falls in price must forever remain unsold, unused, unransomed, and perish on the hands of the first producer. The pressure of want must never recall retiring demand by a diminution of price; but all who did not, because they could not, sell at the top of the market, must never sell at any other grade; and all who did not buy, because they could not, at the most costly price, are condemned to perish for want of goods which are perishing for want of purchasers. This, then, is the hard-money government of the gentleman from Virginia.

The revolutionary soldiers passed off their certificates at the market because they had no other means of purchase; and those in New England who had bread, meat, drink, and clothing received these certificates at the market value because they could get no better medium for payment. These certificates found the readiest market and the best price among those people who had most regard for their country and most confidence in public faith and public justice. Men who knew that the United States were insolvent, as all did, and believed them to be knaves, as some did, would not touch a certificate sooner than a Continental dollar, worth then not one cent. Men who were patriots, and honest themselves, and had the best reason (a good conscience of their own) to think other men so, would not leave the soldier to perish because he had nothing to pay for his bread but the proof of his services, and the plighted faith of a nation of patriots and heroes. Was this, sir, robbery? — felony against the valor which, steeped in blood, had won this country?

Then, sir, the purest deeds are profligacy, things sacred are

profane, and demons shall riot in the spoils of redemption. It is true the disbanded army received nowhere relief so readily as in New England. Virginia, as the gentleman says, did not receive their depreciated money. Not because Virginia had not other paper money to give for it. That the soldiers did not want. All paper money was alike to them. They had been ruined by it. Their own certificates—the price of their scars and unclosed wounds—were in their hands,—the best paper money then in circulation. They wanted bread. Virginia was then the land of corn; the very Egypt of the United States. They did not buy. They chose to keep their wheat in their storehouses rather than put soldiers' depreciated certificates, a kind of old Continental money, as they said, in their pockets. With Washington, like the pious patriarch preaching righteousness to antediluvian sinners, even with him preaching patriotism and public faith, they would not believe —not barter bread and relieve hunger—no, not of a soldier—for any such consideration.

When this government was established; when this nation redeemed their high pledges by funding and providing for that medium which patriots alone had with that hope received, or patriotic soldiers who were able to do so had retained, then public justice did—as future mercy will do—reward all who, with faith in her high integrity, had fed the hungry and clothed the naked.

Here is the deep fountain of the gentleman's abounding anathema against New England. They began the Revolution; they relieved the army who conquered the colonies from the European nation, and gave the American people their independence; they received from this government, by the funding system, the recompense of their patriotism and public confidence. These are injuries too high to be forgiven

by one who has no goods but others' ills — no evils but others' goods.

"This government," says the gentleman, "was by the constitution made a hard-money government because that constitution gave them the power to 'coin money.'"

New England has made it a paper-money, cotton-spinning government. New England, sir, although not entitled to the honor of having introduced the banking system, is yet entitled to the credit of never having departed from the principles of that system by refusing to redeem her bills with silver or gold. The government, by establishing the funding system, established the great banking principle in the country. All these sons of Mammon, who look on gold and silver as the only true riches, will regard as the enemies of all righteousness all those prudent statesmen who consider money as merely the great circulating machine in the production of their country. It therefore becomes highly important to furnish so necessary and costly a machine at the least practicable expenditure of labor and capital.

Every nation must be supplied with this circulating medium in amount equal, and somewhat more than equal, to all its exchanges necessarily to be made at any one given time. The same medium, or part of the whole, may operate different exchanges at different times: but there must at all times be in the nation an amount equal to the amount of exchanges in operation at any one and the same time. This medium may be all money, or what the laws have adjudged to be as money.

It, however, in all trading nations, or, which is the same thing, in all rich nations, does consist of several other parts. All the stocks representing national debts are one part of this medium. All the stocks representing the debts and capital

of all incorporated companies are a second part. All the paper representing all the debts of individuals and unincorporated trading companies is a third part of this medium of circulation. The whole money, or what by law is adjudged to be as money, makes up the fourth and last part of this great machine of circulation, sustaining and keeping in full work all the money production of any country. This money was anciently, in most nations, gold and silver. The modern invention of banking is thought to be an improvement.

If the money circulating medium of this nation be, as probably it is, $50,000,000, the cost of furnishing that amount must be equal to that sum. The yearly cost must be whatever the market interest may be in the whole country. To this must be added the amount yearly consumed by the wear of all the metallic pieces, whether gold, silver, or copper, of which such money is fabricated. This may be three per cent. The very great cost of transporting such a weight of money to make all the ready exchanges of the immense trade of our country cannot readily be appreciated or even conceived by men accustomed to the accommodation of bank bills for all such exchanges. Six per cent per annum would not be a high charge for this cost. The whole expense would be, per annum, fifteen per cent at the least, and in the whole amount, $7,500,000.

If the banking system be, as it is, substituted for this hard-money circulation, what will be saved? The whole success depends on one principle. If men receive bank bills because they believe they may, whenever they call for it, at the bank, receive, for such bills, their amount in silver or gold, they will never go for such exchange until they want the silver and gold for some purpose for which the bank bills cannot be used. How often this may be cannot, *a priori*, be stated.

Experience has solved the question. It has been found that not more than one dollar in eight will usually be wanted for any such purpose. If, therefore, an amount, in gold and silver, equal to the one-eighth part of the circulating money medium be kept in the vaults of banks, it will answer all calls for specie in exchange for bank bills. With a money circulating medium in your country equal to $50,000,000, you must keep in your vaults $6,250,000 in silver and gold. The yearly interest of this, at six per cent, is $373,000.

If your banking houses and all other implements of trade cost a like sum per annum, or $373,000; then the whole cost, annually, of your money medium, will be $746,000. The whole saving to the nation equals $6,754,000. That is the hard-money government of the gentleman from Virginia, sustained by the tobacco-planting and slave-labored culture of Roanoke. This the banking and cotton-spinning government of New England, sustained by the free-labored corn and wool culture, and the manufacturing skill of the North, the West, and the East.

Which is most productive of national wealth, comfort, and independence has been abundantly demonstrated; that each is equally honest and constitutional no man who ever looked into the world, or up toward heaven, or into his own heart,—the gentleman alone, always excepted,—will have any cause ever to doubt.

One objection more made by the gentleman to banking, and I leave him to his own mercy. He has charged the banks in New England with the whole moral guilt of him who lately, by fraud and peculation, possessed himself of the funds of a certain bank in Virginia. He has quoted the great canon of the Redeemer, "Lead us not into temptation."

Thus stands his argument: had not New England invented

and brought into use the banking system, this Virginia bank would never have existed; and therefore his friend the cashier would not have been trusted, or tempted, or have transgressed.

The gentleman from Virginia [Mr. Randolph], seems to have—and what can be more natural—a great sympathy for all but honest men. Sir, had God never given thee aught that is thine own, he need never have said unto thee, "Thou shalt not covet aught that is thy neighbor's." The gentleman has discovered a new mode of preventing crimes: destroy all property, and you lay the axe to the very root of all transgression. Not so, robbery, defrauded of his spoil, and changed to hungry, lean, gaunt murder, would still plunder, for blood, when nothing else was left to be plundered.

To justify the Virginia cashier, the gentleman lays the sin at the door of New England. They tempted, and but for this temptation he had now been a pure, prosperous, and high-minded gentleman. This apology is not new in any other respect than in its application. He must have drawn it from a book written in the second century by a Jewish rabbi who calls himself Ben Mammon. The title of this labored work is, "An Apology for Iscariot." The whole argument may be thus shortly stated. "The Nazarenes," says this Hebrew doctor, "accuse this man, Iscariot, without cause. Nay, they themselves were the authors of their own calamity. Jesus himself made Iscariot the purser of the whole family, and, by putting money into his hands, tempted and seduced him into avarice and covetousness. If this had not been done, this much-injured man never would have delivered up his master to the high priest or sold him for thirty pieces of silver."

"It is also manifest," continues the rabbi, "that had the

Nazarene continued at home, where he ought to have continued, and in his carpenter's shop, and at his own trade, he never would have appointed Iscariot for his purser, nor ever have been betrayed by him.

"Iscariot was therefore a just man, and has been grossly libelled by Matthew the publican, who wrote the story. The guilt of this man's blood, who hanged himself, and of the innocent blood, as he says, of his master, is on the head of Jesus himself, the founder of the Christian sect."

Thus, sir, Ben Mammon justified Iscariot and blasphemed Jesus; and thus, too, the gentleman from Virginia justifies his honest friend, the cashier; and calumniates the whole labor, capital, morals, and piety of New England; and thus, too, *mutatis mutandis*, would he have placed a diadem on the murderous temples of Barrabas and planted a crown of thorns on the head of him who redeemed the world.

Whence all this abuse of New England, this misrepresentation of the North and the West? It is, sir, because they, and all the patriots in the nation, would pursue a policy calculated to secure and perpetuate the national independence of Great Britain. It is because they are opposed by another policy, which, by its entire, and by every part of its operation, will inevitably bring the American people into a condition of dependence on Great Britain less profitable and not more to our honor than the condition of colonies.

I cannot, I would not look into the secrets of men's hearts; but the nation will examine the nature and tendencies of the American and the anti-American systems; and they can understand the arguments offered in support of each plan of national policy; and they, too, can read and will understand the histories of all public men and of those two systems of national policy. Do we, as it has been insinuated, support the

American policy in wrong and for the injury and damage of Old England? I do not; those with whom I have the honor to act do not pursue this course. No, sir,

> "Not that I love England less,
> But that I love my country more."

Who, sir, would wrong; who would reduce the wealth, the power of England? Who, without a glorious national pride, can look to that as to our mother country? It is the land of comfort, accommodation, and wealth; of science and literature; song, sentiment, heroic valor, and deep, various, political philosophy. Who is not proud that our fathers were the compeers of Wolfe; that Burke and Chatham spoke our mother tongue? Who does not look for the most prosperous eras in the world when English blood shall warm the human bosom over the habitable breadth of every zone: when English literature shall come under the eye of the whole world: English intellectual wealth enrich every clime; and the manners, morals, and religion of us and our parent country spread civilization under the whole star-lighted heaven; and, in the very language of our deliberations, the hallowed voice of daily prayer shall arise to God throughout every longitude of the sun's whole race.

I would follow the course of ordinary experience; render the child independent of the parent; and from the resources of his own industry, skill, and prudence, rich, influential, and powerful among nations. Then, if the period of age and infirmity shall,—as God send it may never,—but if it shall come, then, sir, the venerated parent shall find shelter behind the strong right hand of her powerful descendant. . . .

The policy of the gentleman from Virginia calls him to a course of legislation resulting in the entire destruction of

one part of this Union. Oppress New England until she shall be compelled to remove her manufacturing labor and capital to the regions of iron, wool, and grain; and nearer to those of rice and cotton. Oppress New England until she shall be compelled to remove her commercial labor and capital to New York, Norfolk, Charleston, and Savannah.

Finally, oppress that proscribed region until she shall be compelled to remove her agricultural labor and capital — her agricultural capital? No, she cannot remove that. Oppress and compel her, nevertheless, to remove her agricultural labor to the far-off west; and there people the savage valley and cultivate the deep wilderness of the Oregon. She must, indeed, leave her agricultural capital; her peopled fields; her hills with culture carried to their tops; her broad, deep bays; her wide, transparent lakes, long, winding rivers, and many waterfalls; her delightful villages, flourishing towns, and wealthy cities. She must leave this land, bought by the treasure, subdued by the toil, defended by the valor of men, vigorous, athletic, and intrepid; men, god-like in all making man resemble the moral image of his Maker; a land endeared, oh! how deeply endeared, because shared with women pure as the snows of their native mountains; bright, lofty, and overawing as the clear, circumambient heavens, over their heads; and yet lovely as the fresh opening bosom of their own blushing and blooming June.

"Mine own romantic country," must we leave thee? Beautiful patrimony of the wise and good; enriched from the economy and ornamented by the labor and perseverance of two hundred years! Must we leave thee, venerable heritage of ancient justice and pristine faith? And, God of our fathers! must we leave thee to the demagogues who have deceived and traitorously sold us? We must leave thee to them, and

to the remnants of the Penobscots, the Pequods, the Mohicans, and Narragansetts; that they may lure back the far-retired bear from the distant forest, again to inhabit in the young wilderness, growing up in our flourishing cornfields and rich meadows, and spreading, with briers and brambles, over our most "pleasant places."

All this shall come to pass, to the intent that New England may again become a lair for wild beasts and a hunting-ground for savages. The graves of our parents will be polluted, and the place made holy by the first footsteps of our Pilgrim forefathers become profaned by the midnight orgies of barbarous incantation. The evening wolf shall again howl on our hills, and the echo of his yell mingle once more with the sound of our waterfalls. The sanctuaries of God shall be made desolate. Where now a whole people congregate in thanksgiving for the benefactions of time, and in humble supplication for the mercies of eternity, there those very houses shall then be left without a tenant. The owl, at noon-day, may roost on the high altar of devotion, and the "fox look out at the window" on the utter solitude of a New England Sabbath.

New England shall indeed, under this proscribing policy, be what Switzerland was under that of France. New England, which, like Switzerland, is the eagle-nest of freedom; New England, where, as in Switzerland, the cradle of infant liberty "was rocked by whirlwinds in their rage;" New England shall, as Switzerland was, in truth be "the immolated victim where nothing but the skin remains unconsumed by the sacrifice;" New England, as Switzerland had, shall have "nothing left but her rocks, her ruins, and her demagogues."

The mind, sir, capable of conceiving a project of mischief

so gigantic must have been early schooled and deeply imbued with all the great principles of moral evil.

What, then, sir, shall we say of a spirit regarding this event as a "consummation devoutly to be wished?"—a spirit without one attribute or one hope of the pure in heart; a spirit which begins and ends everything, not with prayer, but with imprecation; a spirit which blots from the great canon of petition, "Give us this day our daily bread;" that, foregoing bodily nutriment, he may attain to a higher relish for that unmingled food, prepared and served up to a soul "hungering and thirsting after wickedness;" a spirit which, at every rising sun, exclaims, "*Hodie! hodie! Carthago delenda!*" "To-day, to-day! let New England be destroyed!"

Sir, divine Providence takes care of his own universe. Moral monsters cannot propagate. Impotent of everything but malevolence of purpose, they can no otherwise multiply miseries than by blaspheming all that is pure, and prosperous, and happy. Could demon propagate demon, the universe might become a pandemonium; but I rejoice that the Father of Lies can never become the father of liars. One "adversary of God and man" is enough for one universe. Too much! Oh! how much too much for one nation.

BISHOP FRANZEN

BISHOP FRANS MICHAEL FRANZEN, the son of a humble shopkeeper in Uleaborg, Finland, was born there Feb. 9, 1772, and died at Hernosand, Sweden, in August, 1847. He studied at Abo, then the capital of Finland, where he became university librarian and in 1801 professor of history and ethics. He early showed poetical talent, and at fifteen had written several popular lyrics. At the age of twenty-five years he won the prize offered by the Swedish Academy for a poem on a special subject. His poetical work is marked by much beauty and deals largely with themes inspired by nature, and with the home affections. Some of his poems for children are exquisite in form and sentiment. He was appointed Bishop of Hernosand in 1832, and for ten years was secretary of the Swedish Academy. One of his best-known works was a translation of the Psalms; other writings of his include religious songs and some idyllic and didactic poems.

"THE SWORD SHALL PIERCE THY HEART"

PAUSE for a moment, you who wander lonely in the eve of life! Your shadow, growing longer at every step you take, tells you that night is drawing nigh. Pause for a moment's look upon that world from which you refuse to separate your heart though you are tired of its cares, sated with its joys, offended by its transgressions. You sought riches and comfort but found only trouble and anxiety; you sought pleasure and luxuries but found only sadness and sufferings; you sought fame and fortune but found only humiliation and adversity; you sought the people's favor and applause but found only envy and slander. Ah, the world has deceived you in all that it promised, still you hearken to its promises, groping after its illusions, its evasive shadows. You have emptied life's bitter chalice and yet you linger over its dregs. The world has turned its back to you, but you still cling to its delusions. O, pitiful! Turn your face to God and you shall find the peace your soul is wanting, the peace which all

the world cannot give, but he alone who conquered the world.

What the Church proclaims about the vanity of the world is revealed to us by the world itself, not merely through the vicissitudes of fortune, but through the perishable nature of the things around us. The whole creation confirms it by innumerable methods of revelation. At the bounteous table which he finds prepared for him in this world man sits down like the guest at the king's table over whose head dangles a drawn sword suspended from the ceiling by a brittle thread. That sword is pointed out to him by all nature, ever-creating and ever-destroying nature.

Step out into the field, not in the winter, when everything seems dead; not in the fall, when "the dying night-lamp flickers;" but in the height of summer splendor. How many steps can you take before some faded flower, a leaf which has fallen, a worm that has been trampled upon, reminds you of how some day you shall wither, fall, and be laid at rest under the turf. Yet it is well for you to be thus taught the process of your own transformation. Turn your eyes toward the window and behold how night is drawing nigh. Yea, even the unchanging sun steps down from her path to let night remind us of our mortality. No picture in the book of nature is more clear, more expressive, than those on the white and black leaves which she turns every morning and night.

Each day in life is not merely a link in a chain, capable of being broken loose; it is a lifetime by itself. Or is it not a new life you begin whenever you awake? Once asleep, are you really conscious of life? Sleep is more than a shadow of death; it is a part thereof. When you sleep you are dead to the world and dead to your own self. Nevertheless, you wake up to find yourself with the world still around you; you live

again and will think of nothing else than life. But place your hand over your heart and reflect: "Should that beating cease the next moment?"

Why do you turn pale at the thought? You fear death!

Then you ought to have fears every day and every hour, because there is not a moment in your life when you can feel assured that this wonderful structure wherein dwells your soul, now like a cheerful guest, now like a troubled master, now like a yearning invalid, now like a convicted prisoner, will not crumble and fall.

But you do not think of this constant danger to life. Nature has endowed you with consciousness of life and faith in its durability, and while she places your hour-glass before your eyes she covers its upper end. You can see and measure the sand which has run down but not that which remains. Who fails to see the wisdom in this order? What good could we accomplish, or even undertake to do, should we all think only of our death? What pleasure would there be in life, what goal could we reach by a constant dread of death? Can it be that nature, or rather her Creator, is rebelling against himself? Does he cause heaven and earth constantly to cry out to man, "Thou shalt die," while he himself cries in a louder voice: "Live! for though thou diest, yet shalt thou live again!"

[Special translation by Chas. E. Hurd.]

JOSIAH QUINCY

JOSIAH QUINCY, LL.D., American statesman, orator, and historian, was born at Boston, Mass., Feb. 4, 1772, and died at Quincy, Mass., July 1, 1864, the only son of the patriotic orator who is usually referred to as Josiah Quincy, Jr. He graduated from Harvard in 1790, and, being admitted to the Bar in 1793, took an active interest in politics, as his father had done before him. An oration delivered by him, July 4, 1798, was so greatly admired that he received the Federalist nomination for Congress. Though defeated on the occasion, he became in 1804 a member of the United States Senate, where he was known as an extreme Federalist, opposing the embargo policy and the second war with England, and hostile to the admission of Louisiana into the Union. In the appended speech on this subject, he made the first announcement of the doctrine of Secession. Although opposed to the war, he did not refuse his support to the administration, and on Jan. 25, 1812, made a memorable speech on the navy which was greatly admired. He declined reëlection that year, but sat during 1821–23 in the Massachusetts legislature, and as mayor of Boston (1823–28), effected a number of important municipal reforms. His son and great-grandson successively filled the same civic office in later years. From 1829 to 1845, he was president of Harvard, and after his retirement from that position lived in Quincy, Mass., devoted to literary and social pursuits, but taking a hearty interest in public affairs until his death, in his ninety-third year. His writings embrace a "Memoir" of his father (1825); "History of Harvard University" (1840); "Municipal History of Boston" (1852); "Memoir of John Quincy Adams" (1858); and "Speeches in Congress and Orations" (1874).

ON THE ADMISSION OF LOUISIANA

DELIVERED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, JANUARY 14, 1811

MR. SPEAKER,— I address you, sir, with an anxiety and distress of mind with me wholly unprecedented. The friends of this bill seem to consider it as the exercise of a common power; as an ordinary affair; a mere municipal regulation, which they expect to see pass without other questions than those concerning details.

But, sir, the principle of this bill materially affects the

liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country; and that, in no great length of time, it may produce it.

When I see the zeal and perseverance with which this bill has been urged along its parliamentary path, when I know the local interests and associated projects which combine to promote its success, all opposition to it seems manifestly unavailing. I am almost tempted to leave, without a struggle, my country to its fate.

But, sir, while there is life there is hope. So long as the fatal shaft has not yet sped, if heaven so will, the bow may be broken and the vigor of the mischief-meditating arm withered. If there be a man in this House or nation who cherishes the constitution, under which we are assembled, as the chief stay of his hope, as the light which is destined to gladden his own day, and to soften even the gloom of the grave by the prospect it sheds over his children, I fall not behind him in such sentiments. I will yield to no man in attachment to this constitution, in veneration for the sages who laid its foundations, in devotion to those principles which form its cement and constitute its proportions.

What then must be my feelings; what ought to be the feelings of a man cherishing such sentiments when he sees an act contemplated which lays ruin at the root of all these hopes? — when he sees a principle of action about to be usurped, before the operation of which the bands of this constitution are no more than flax before the fire or stubble before the whirlwind. When this bill passes such an act is done and such a principle usurped.

Mr. Speaker, there is a great rule of human conduct which he who honestly observes cannot err widely from the

path of his sought duty. It is, to be very scrupulous concerning the principles you select as the test of your rights and obligations; to be very faithful in noticing the result of their application; and to be very fearless in tracing and exposing their immediate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare *it as my deliberate opinion that if this bill passes, the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation, amicably if they can, violently if they must.*

[Mr. Quincy was here called to order by Mr. Poindexter, delegate from the Mississippi Territory, for the words in italics. After it was decided, upon an appeal to the House, that Mr. Quincy was in order, he proceeded:]

I rejoice, Mr. Speaker, at the result of this appeal. Not from any personal consideration, but from the respect paid to the essential rights of the people in one of their representatives. When I spoke of the separation of the States as resulting from the violation of the constitution contemplated in this bill, I spoke of it as a necessity deeply to be deprecated, but as resulting from causes so certain and obvious as to be absolutely inevitable when the effect of the principle is practically experienced. It is to preserve, to guard the constitution of my country that I denounce this attempt. I would rouse the attention of gentlemen from the apathy with which they seem beset.

These observations are not made in a corner; there is no low intrigue; no secret machination. I am on the people's own ground; to them I appeal concerning their own rights,

their own liberties, their own intent, in adopting this constitution. The voice I have uttered, at which gentlemen startle with such agitation, is no unfriendly voice. I intended it as a voice of warning. By this people, and by the event, if this bill passes, I am willing to be judged whether it be not a voice of wisdom.

The bill which is now proposed to be passed has this assumed principle for its basis, that the three branches of this national government, without recurrence to conventions of the people in the States or to the legislatures of the States, are authorized to admit new partners to a share of the political power in countries out of the original limits of the United States.

Now, this assumed principle I maintain to be altogether without any sanction in the constitution. I declare it to be a manifest and atrocious usurpation of power; of a nature dissolving, according to undeniable principles of moral law, the obligations of our national compact, and leading to all the awful consequences which flow from such a state of things. Concerning this assumed principle, which is the basis of this bill, this is the general position on which I rest my argument, that, if the authority now proposed to be exercised be delegated to the three branches of the government by virtue of the constitution, it results either from its general nature or from its particular provisions. I shall consider distinctly both these sources in relation to this pretended power.

Touching the general nature of the instrument called the constitution of the United States, there is no obscurity; it has no fabled descent, like the palladium of ancient Troy, from the heavens. Its origin is not confused by the mists of time, or hidden by the darkness of passed, unexplored ages; it is the fabric of our day. Some now living had a share in

its construction; all of us stood by and saw the rising of the edifice. There can be no doubt about its nature. It is a political compact. By whom? And about what? The preamble to the instrument will answer these questions.

"We, the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

It is, we, the people of the United States, for ourselves and our posterity; not for the people of Louisiana, nor for the people of New Orleans or of Canada. None of these enter into the scope of the instrument; it embraces only "the United States of America."

Who these are, it may seem strange in this place to inquire. But truly, sir, our imaginations have of late been so accustomed to wander after new settlements to the very ends of the earth, that it will not be time ill-spent to inquire what this phrase means and what it includes. These are not terms adopted at hazard; they have reference to a state of things existing anterior to the constitution. When the people of the present United States began to contemplate a severance from their parent State, it was a long time before they fixed definitively the name by which they would be designated. In 1774 they called themselves "the Colonies and Provinces of North America"; in 1775, "the Representatives of the United Colonies of North America"; in the Declaration of Independence "the Representatives of the United States of America"; and, finally, in the Articles of Confederation, the style of the confederacy is declared to be "the United States of America."

It was with reference to the old articles of confederation, and to preserve the identity and established individuality of their character, that the preamble to this constitution, not content simply with declaring that it is "We, the people of the United States," who enter into this compact, adds that it is for "the United States of America." Concerning the territory contemplated by the people of the United States in these general terms, there can be no dispute; it is settled by the treaty of peace, and included within the Atlantic Ocean, the St. Croix, the lakes; and more precisely, so far as relates to the frontier, having relation to the present argument, within—

—"a line to be drawn through the middle of the river Mississippi until it intersect the northernmost part of the thirty-first degree of north latitude, thence within a line drawn due east on this degree of latitude to the river Apalachicola, thence along the middle of this river to its junction with the Flint River, thence straight to the head of the St. Mary's River, and thence down the St. Mary's to the Atlantic Ocean."

I have been thus particular to draw the minds of gentlemen distinctly to the meaning of the terms used in the preamble; to the extent which "the United States" then included, and to the fact that neither New Orleans nor Louisiana was within the comprehension of the terms of this instrument. It is sufficient for the present branch of my argument to say that there is nothing in the general nature of this compact from which the power contemplated to be exercised in this bill results.

On the contrary, as the introduction of a new associate in political power implies necessarily a new division of power and consequent diminution of the relative proportion

of the former proprietors of it, there can certainly be nothing more obvious than that from the general nature of the instrument no power can result to diminish and give away to strangers any proportion of the rights of the original partners. If such a power exist, it must be found, then, in the particular provisions in the constitution. The question now arising is, in which of these provisions is given the power to admit new States to be created in territories beyond the limits of the old United States. If it exist anywhere, it is either in the third section of the fourth article of the constitution or in the treaty-making power. If it result from neither of these it is not pretended to be found anywhere else.

That part of the third section of the fourth article on which the advocates of this bill rely is the following:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress."

I know, Mr. Speaker, that the first clause of this paragraph has been read with all the superciliousness of a grammarian's triumph—"New States may be admitted by the Congress into this Union"—accompanied with this most consequential inquiry: "Is not this a new State to be admitted? And is not here an express authority?"

I have no doubt this is a full and satisfactory argument to everyone who is content with the mere colors and superficies of things. And, if we were now at the bar of some stall-fed justice, the inquiry would ensure victory to the maker of it, to the manifest delight of the constables and suitors of his

court. But, sir, we are now before the tribunal of the whole American people; reasoning concerning their liberties, their rights, their constitution. These are not to be made the victims of the inevitable obscurity of general terms, nor the sport of verbal criticism.

The question is concerning the intent of the American people, the proprietors of the old United States, when they agreed to this article. Dictionaries and spelling-books are here of no authority. Neither Johnson, nor Walker, nor Webster, nor Dilworth, has any voice in this matter. Sir, the question concerns the proportion of power reserved by this constitution to every State in this Union. Have the three branches of this government a right, at will, to weaken and outweigh the influence, respectively, secured to each State in this compact, by introducing, at pleasure, new partners, situate beyond the old limits of the United States?

The question has not relation merely to New Orleans. The great objection is to the principle of the bill. If this principle be admitted, the whole space of Louisiana, greater, it is said, than the entire extent of the old United States, will be a mighty theatre in which this government assumes the right of exercising this unparalleled power. And it will be; there is no concealment, it is intended to be exercised. Nor will it stop until the very name and nature of the old partners be overwhelmed by new-comers into the confederacy.

Sir, the question goes to the very root of the power and influence of the present members of this Union. The real intent of this article is therefore an inquiry of most serious import, and is to be settled only by a recurrence to the known history and known relations of this people and their

constitution. These, I maintain, support this position, that the terms "new States" in this article do intend new political sovereignties, to be formed within the original limits of the United States, and do not intend new political sovereignties with territorial annexations, to be created without the original limits of the United States. I undertake to support both branches of this position to the satisfaction of the people of these United States.

Suppose, in private life, thirteen form a partnership and ten of them undertake to admit a new partner without the concurrence of the other three, would it not be at their option to abandon the partnership after so palpable an infringement of their rights?

How much more, in the political partnership, where the admission of new associates without previous authority is so pregnant with obvious dangers and evils! Again, it is settled as a principle of morality, among writers on public law, that no person can be obliged beyond his intent at the time of the contract. Now, who believes, who dare assert, that it was the intention of the people, when they adopted this constitution, to assign eventually to New Orleans and Louisiana a portion of their political power, and to invest all the people those extensive regions might hereafter contain with an authority over themselves and their descendants?

When you throw the weight of Louisiana into the scale you destroy the political equipoise contemplated at the time of forming the contract. Can any man venture to affirm that the people did intend such a comprehension as you now, by construction, give it? Or can it be concealed that beyond its fair and acknowledged intent such a compact has no moral force? If gentlemen are so alarmed at the bare men-

tion of the consequences, let them abandon a measure which sooner or later will produce them.

How long before the seeds of discontent will ripen no man can foretell. But it is the part of wisdom not to multiply or scatter them. Do you suppose the people of the northern and Atlantic States will or ought to look on with patience and see representatives and senators from the Red River and Missouri pouring themselves upon this and the other floor, managing the concerns of a seaboard fifteen hundred miles at least from their residence, and having a preponderancy in councils into which, constitutionally, they could never have been admitted? I have no hesitation upon this point. They neither will see it, nor ought to see it, with content. It is the part of a wise man to foresee danger and to hide himself.

This great usurpation which creeps into this House under the plausible appearance of giving content to that important point, New Orleans, starts up a gigantic power to control the nation. Upon the actual condition of things there is, there can be, no need of concealment. It is apparent to the blindest vision. By the course of nature and conformable to the acknowledged principles of the constitution the sceptre of power in this country is passing towards the northwest. Sir, there is to this no objection. The right belongs to that quarter of the country. Enjoy it; it is yours. Use the powers granted as you please. But take care in your haste after effectual dominion not to overload the scale by heaping it with these new acquisitions. Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this constitution. Already the old States sink in the estimation of members when brought into comparison with these new countries.

We have been told that "New Orleans was the most important point in the Union." A place out of the Union, the most important place within it! We have been asked, "What are some of the small States when compared with the Mississippi Territory?" The gentleman from that Territory [Mr. Poindexter] spoke the other day of the Mississippi as "of a high road between"— good heavens! between what? Mr. Speaker — why, "the eastern and western States!" So that all the northwestern Territories, all the countries once the extreme western boundary of our Union, are hereafter to be denominated eastern States!

[Mr. Poindexter explained. He said that he had not said that the Mississippi was to be the boundary between the eastern and western States. He had merely thrown out a hint that in erecting new States it might be a good high road between the States on its waters. His idea had not extended beyond the new States on the waters of the Mississippi.]

I make no great point of this matter. The gentleman will find in the "National Intelligencer" the terms to which I refer. There will be seen, I presume, what he has said and what he has not said. The argument is not affected by the explanation. New States are intended to be formed beyond the Mississippi. There is no limit to men's imaginations on this subject short of California and Columbia River.

When I said that the bill would justify a revolution and would produce it, I spoke of its principle and its practical consequences. To this principle and those consequences I would call the attention of this House and nation. If it be about to introduce a condition of things absolutely insupportable, it becomes wise and honest men to anticipate the evil and to warn and prepare the people against the event.

I have no hesitation on the subject. The extension of this principle to the States contemplated beyond the Mississippi cannot, will not, and ought not to be borne. And the sooner the people contemplate the unavoidable result the better, the more likely that convulsions may be prevented, the more hope that the evils may be palliated or removed.

Mr. Speaker, what is this liberty of which so much is said? Is it to walk about this earth, to breathe this air, and to partake the common blessings of God's providence? The beasts of the field and the birds of the air unite with us in such privileges as these. But man boasts a purer and more ethereal temperature. His mind grasps in its view the past and future as well as the present. We live not for ourselves alone.

That which we call liberty is that principle on which the essential security of our political condition depends. It results from the limitations of our political system prescribed in the constitution. These limitations, so long as they are faithfully observed, maintain order, peace, and safety. When they are violated in essential particulars all the concurrent spheres of authority rush against each other, and disorder, derangement, and convulsion are, sooner or later, the necessary consequences.

With respect to this love of our Union, concerning which so much sensibility is expressed, I have no fear about analyzing its nature. There is in it nothing of mystery. It depends upon the qualities of that Union, and it results from its effects upon our and our country's happiness. It is valued for "that sober certainty of waking bliss" which it enables us to realize. It grows out of the affections, and has not, and cannot be made to have, anything universal in its nature. Sir, I confess it, the first public love of my heart is

the Commonwealth of Massachusetts. There is my fireside; there are the tombs of my ancestors —

> "Low lies that land, yet blest with fruitful stores,
> Strong are her sons, though rocky are her shores;
> And none, ah! none, so lovely to my sight,
> Of all the lands, which heaven o'erspreads with light."

The love of this Union grows out of this attachment to my native soil and is rooted in it. I cherish it because it affords the best external hope of her peace, her prosperity, her independence. I oppose this bill from no animosity to the people of New Orleans, but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country. I have no concealment of my opinion. The bill, if it passes, is a death-blow to the constitution. It may afterwards linger, but, lingering, its fate will at no very distant period be consummated.

JOHN RANDOLPH

JOHN RANDOLPH, "of Roanoke," American statesman, nephew of the patriot, Peyton Randolph, was born at Cawsons, Chesterfield Co., Va. June 2, 1773, and died at Philadelphia June 24, 1833. Receiving his preliminary education at the grammar school attached to William and Mary College, he afterward studied at Princeton and Columbia Colleges, and then read law at Philadelphia. In 1799, he was elected to Congress as Democratic representative from Virginia, and with two brief intervals, he sat in the House for close upon thirty years. Early in his congressional career, he made a powerful speech in answer to Patrick Henry, who had opposed his election. He afterward became an ardent Republican and follower of Jefferson, yet opposed the War of 1812 with England, took adverse ground in regard to protective duties, favored Monroe as President, was an opponent of the Slave trade, and vehemently denounced the Missouri Compromise. In 1825–27 he sat in the Senate, had a duel with Henry Clay in 1826, and in 1830 was United States Minister to Russia. Returning to the United States he was once more elected to Congress, but before taking his seat he died of consumption, emancipating his many slaves by will before his death and providing for their after-maintenance. Randolph was a sufferer from nervous eccentricity, which extended even to matters of dress; and he had a biting, sarcastic tongue, modified at times, however, by amusing sallies of wit.

ON FOREIGN IMPORTATIONS

[Delivered March 5, 1806, on a motion for the non-importation of British merchandise, offered by Mr. Gregg in the House of Representatives during the dispute between Great Britain and the United States.]

I AM extremely afraid, sir, that so far as it may depend on my acquaintance with details connected with the subject I have very little right to address you: for in truth I have not yet seen the documents from the treasury, which were called for some time ago, to direct the judgment of this House in the decision of the question now before you; and indeed, after what I have this day heard, I no longer require that document, or any other document; indeed, I do not know that I ever should have required it, to vote on the resolution of the gentleman from Pennsylvania. If I had entertained any doubts, they would have been removed by the style in

which the friends of the resolution have this morning discussed it.

I am perfectly aware that upon entering on this subject we go into it manacled, handcuffed, and tongue-tied. Gentlemen know that our lips are sealed in subjects of momentous foreign relations which are indissolubly linked with the present question, and which would serve to throw a great light on it in every respect relevant to it. I will, however, endeavor to hobble over the subject as well as my fettered limbs and palsied tongue will enable me to do it.

I am not surprised to hear this resolution discussed by its friends as a war measure. They say, it is true, that it is not a war measure; but they defend it on principles which would justify none but war measures, and seem pleased with the idea that it may prove the forerunner of war. If war is necessary, if we have reached this point, let us have war.

But while I have life I will never consent to these incipient war measures which in their commencement breathe nothing but peace, though they plunge us at last into war.

It has been well observed by the gentleman from Pennsylvania behind me [Mr. J. Clay], that the situation of this nation in 1793 was in every respect different from that in which it finds itself in 1806. Let me ask, too, if the situation of England is not since materially changed? Gentlemen, who, it would appear from their language, have not got beyond the horn-book of politics, talk of our ability to cope with the British navy and tell us of the war of our Revolution.

What was the situation of Great Britain then? She was then contending for the empire of the British Channel, barely able to maintain a doubtful equality with her enemies, over whom she never gained the superiority until Rodney's victory of the 12th of April.

What is her present situation? The combined fleets of France, Spain, and Holland are dissipated; they no longer exist. I am not surprised to hear men advocate these wild opinions, to see them goaded on by a spirit of mercantile avarice, straining their feeble strength to excite the nation to war, when they have reached this stage of infatuation, that we are an over-match for Great Britain on the ocean. It is mere waste of time to reason with such persons. They do not deserve anything like serious refutation. The proper arguments for such statesmen are a strait waistcoat, a dark room, water-gruel, and depletion.

It has always appeared to me that there are three points to be considered, and maturely considered, before we can be prepared to vote for the resolution of the gentleman from Pennsylvania. First, our ability to contend with Great Britain for the question in dispute; second, the policy of such a contest; and third, in case both these shall be settled affirmatively, the manner in which we can with the greatest effect react upon and annoy our adversary.

Now the gentleman from Massachusetts [Mr. Crowninshield] has settled at a single sweep, to use one of his favorite expressions, not only that we are capable of contending with Great Britain on the ocean, but that we are actually her superior. Whence does the gentleman deduce this inference? Because truly at that time when Great Britain was not mistress of the ocean, when a North was her prime minister and a Sandwich the first lord of her admiralty; when she was governed by a counting-house administration, privateers of this country trespassed on her commerce. So too did the cruisers of Dunkirk. At that day Sufferin held the mastery of the Indian seas.

But what is the case now? Do gentlemen remember the

capture of Cornwallis on land because De Grasse maintained the dominion of the ocean? To my mind no position is more clear than that if we go to war with Great Britain, Charleston and Boston, the Chesapeake and the Hudson, will be invested by British squadrons. Will you call on the Count de Grasse to relieve them? or shall we apply to Admiral Gravina, or Admiral Villeneuve, to raise the blockade?

But you have not only a prospect of gathering glory, and, what seems to the gentleman from Massachusetts much dearer, to profit by privateering, but you will be able to make a conquest of Canada and Nova Scotia. Indeed? Then, sir, we shall catch a Tartar. I confess, however, I have no desire to see the senators and the representatives of the Canadian French, or of the Tories and refugees of Nova Scotia, sitting on this floor, or that of the other House — to see them becoming members of the Union and participating equally in our political rights. And on what other principle would the gentleman from Massachusetts be for incorporating those provinces with us? Or on what other principle could it be done under the constitution? If the gentleman has no other bounty to offer us for going to war than the incorporation of Canada and Nova Scotia with the United States, I am for remaining at peace.

What is the question in dispute? The carrying trade. What part of it? The fair, the honest, and the useful trade that is engaged in carrying our own production to foreign markets and bringing back their productions in exchange? No, sir; it is that carrying trade which covers enemy's property and carries the coffee, the sugar, and other West India products to the mother country.

No, sir; if this great agricultural nation is to be governed by Salem and Boston, New York and Philadelphia, and Bal-

timore and Norfolk and Charleston, let gentlemen come out and say so; and let a committee of public safety be appointed from those towns to carry on the government.

I, for one, will not mortgage my property and my liberty to carry on this trade. The nation said so seven years ago; I said so then, and I say so now. It is not for the honest carrying trade of America, but for this mushroom, this fungus of war, for a trade which, as soon as the nations of Europe are at peace, will no longer exist; it is for this that the spirit of avaricious traffic would plunge us into war.

I am forcibly struck on this occasion by the recollection of a remark made by one of the ablest, if not the honestest, ministers that England ever produced. I mean Sir Robert Walpole, who said that the country gentlemen, poor, meek souls! came up every year to be sheared; that they laid mute and patient whilst their fleeces were taking off; but that if he touched a single bristle of the commercial interest, the whole stye was in an uproar. It was indeed shearing the hog — "great cry and little wool."

But we are asked, are we willing to bend the neck to England; to submit to her outrages? No, sir; I answer that it will be time enough for us to tell gentlemen what we will do to vindicate the violation of our flag on the ocean when they shall have told us what they have done in resentment of the violation of the actual territory of the United States by Spain, the true territory of the United States, not your new-fangled country over the Mississippi, but the good old United States — part of Georgia, of the old thirteen States, where citizens have been taken, not from our ships, but from our actual territory.

When gentlemen have taken the padlock from our mouths I shall be ready to tell them what I will do relative to our dispute with Britain on the law of nations, on contraband, and such stuff.

I have another objection to this course of proceeding.—Great Britain, when she sees it, will say the American people have great cause of dissatisfaction with Spain. She will see by the documents furnished by the President that Spain has outraged our territory, pirated upon our commerce, and imprisoned our citizens; and she will inquire what we have done. It is true, she will receive no answer; but she must know what we have not done. She will see that we have not repelled these outrages, nor made any addition to our army and navy, nor even classed the militia. No, sir; not one of our militia generals in politics has marshalled a single brigade.

Although I have said it would be time enough to answer the question which gentlemen have put to me when they shall have answered mine; yet, as I do not like long prorogations, I will give them an answer now. I will never consent to go to war for that which I cannot protect. I deem it no sacrifice of dignity to say to the Leviathan of the deep, We are unable to contend with you in your own element, but if you come within our actual limits we will shed our last drop of blood in their defence. In such an event I would feel, not reason; and obey an impulse which never has — which never can deceive me.

France is at war with England: suppose her power on the continent of Europe no greater than it is on the ocean. How would she make her enemy feel it? There would be a perfect non-conductor between them. So with the United States and England; she scarcely presents to us a vulnerable point. Her commerce is carried on, for the most part, in fleets; where in single ships, they are stout and well armed; very different from the state of her trade during the American war, when her merchantmen became the prey of paltry privateers. Great Britain has been too long at war with the three most powerful

maritime nations of Europe not to have learnt how to protect her trade. She can afford convoy to it all; she has eight hundred ships in commission: the navies of her enemies are annihilated.

Thus this war has presented the new and curious political spectacle of a regular annual increase (and to an immense amount) of her imports and exports, and tonnage and revenue, and all the insignia of accumulating wealth, whilst in every former war, without exception, these have suffered a greater or less diminution. And wherefore?

Because she has driven France, Spain, and Holland from the ocean. Their marine is no more. I verily believe that ten English ships of the line would not decline a meeting with the combined fleets of those nations.

I forewarn the gentleman from Massachusetts, and his constituents of Salem, that all their golden hopes are vain. I forewarn them of the exposure of their trade beyond the Cape of Good Hope (or now doubling it) to capture and confiscation; of their unprotected seaport towns exposed to contribution or bombardment. Are we to be legislated into a war by a set of men who in six weeks after its commencement may be compelled to take refuge with us in the country?

And for what? a mere fungus — a mushroom production of war in Europe, which will disappear with the first return of peace — an unfair truce. For is there a man so credulous as to believe that we possess a capital not only equal to what may be called our own proper trade, but large enough also to transmit to the respective parent States the vast and wealthy products of the French, Spanish, and Dutch colonies? 'Tis beyond the belief of any rational being.

But this is not my only objection to entering upon this naval warfare. I am averse to a naval war with any nation

whatever. I was opposed to the naval war of the last administration, and I am as ready to oppose a naval war of the present administration should they meditate such a measure. What! shall this great mammoth of the American forest leave his native element, and plunge into the water in a mad contest with the shark? Let him beware that his proboscis is not bitten off in the engagement. Let him stay on shore, and not be excited by the mussels and periwinkles on the strand, or political bears, in a boat to venture on the perils of the deep.

Gentlemen say, Will you not protect your violated rights? and I say, Why take to water, where you can neither fight nor swim? Look at France; see her vessels stealing from port to port on her own coast; and remember that she is the first military power of the earth, and as a naval people second only to England. Take away the British navy, and France to-morrow is the tyrant of the ocean.

This brings me to the second point. How far is it politic in the United States to throw their weight into the scale of France at this moment? — from whatever motive to aid the views of her gigantic ambition — to make her mistress of the sea and land — to jeopardize the liberties of mankind. Sir, you may help to crush Great Britain — you may assist in breaking down her naval dominion, but you cannot succeed to it. The iron sceptre of the ocean will pass into his hands who wears the iron crown of the land. You may then expect a new code of maritime law. Where will you look for redress?

I can tell the gentleman from Massachusetts that there is nothing in his rule of three that will save us, even although he should outdo himself and exceed the financial ingenuity which he so memorably displayed on a recent occasion. No, sir; let the battle of Actium be once fought, and the whole line

of seacoast will be at the mercy of the conqueror. The Atlantic, deep and wide as it is, will prove just as good a barrier against his ambition, if directed against you, as the Mediterranean to the power of the Cæsars.

Do I mean, when I say so, to crouch to the invader? No, I will meet him at the water's edge, and fight every inch of ground from thence to the mountains, from the mountains to the Mississippi. But after tamely submitting to an outrage on your domicile, will you bully and look big at an insult on your flag three thousand miles off?

But, sir, I have yet a more cogent reason against going to war for the honor of the flag in the narrow seas, or any other maritime punctilio. It springs from my attachment to the principles of the government under which I live. I declare, in the face of day, that this government was not instituted for the purposes of offensive war. No; it was framed, to use its own language, for the common defence and the general welfare, which are inconsistent with offensive war.

I call that offensive war which goes out of our jurisdiction and limits for the attainment or protection of objects not within those limits and that jurisdiction. As in 1798 I was opposed to this species of warfare because I believed it would raze the constitution to the very foundation, so in 1806 am I opposed to it, and on the same grounds. No sooner do you put the constitution to this use — to a test which it is by no means calculated to endure, than its incompetency to such purposes becomes manifest and apparent to all. I fear, if you go into a foreign war for a circuitous unfair carrying trade, you will come out without your constitution. Have you not contractors enough in this House? Or do you want to be overrun and devoured by commissaries and all the vermin of contract?

I fear, sir, that what are called the energy-men will rise up again — men who will burn the parchment. We shall be told that our government is too free; or, as they would say, weak and inefficient. Much virtue, sir, in terms. That we must give the President power to call forth the resources of the nation; that is, to filch the last shilling from our pockets — to drain the last drop of blood from our veins. I am against giving this power to any man, be he who he may. The American people must either withhold this power or resign their liberties.

There is no other alternative. Nothing but the most imperious necessity will justify such a grant. And is there a powerful enemy at our doors? You may begin with a first consul; from that chrysalis state he soon becomes an emperor. You have your choice. It depends upon your election whether you will be a free, happy, and united people at home, or the light of your executive majesty shall beam across the Atlantic in one general blaze of the public liberty.

For my part I never will go to war but in self-defence. I have no desire for conquests — no ambition to possess Nova Scotia — I hold the liberties of this people at a higher rate. Much more am I indisposed to war when among the first means for carrying it on I see gentlemen propose the confiscation of debts due by government to individuals. Does a *bona fide* creditor know who holds his paper? Dare any honest man ask himself the question? 'Tis hard to say whether such principles are more detestably dishonest than they are weak and foolish. What, sir; will you go about with proposals for opening a loan in one hand and a sponge for the national debt in the other?

If, on a late occasion, you could not borrow at a less rate of interest than eight per cent when the government avowed

that they would pay to the last shilling of the public ability, at what price do you expect to raise money with an avowal of these nefarious opinions? God help you! if these are your ways and means for carrying on war — if your finances are in the hands of such a chancellor of the exchequer.

Because a man can take an observation and keep a log-book and a reckoning; can navigate a cock-boat to the West Indies, or the East; shall he aspire to navigate the great vessel of state — to stand at the helm of public councils? "*Ne sutor ultra crepidam.*"[1] What are you going to war for? For the carrying trade. Already you possess seven eighths of it. What is the object in dispute? The fair, honest trade, that exchanges the produce of our soil for foreign articles for home consumption? Not at all.

You are called upon to sacrifice this necessary branch of your navigation, and the great agricultural interest, whose handmaid it is, to jeopardize your best interests, for a circuitous commerce, for the fraudulent protection of belligerent property under your neutral flag. Will you be goaded by the dreaming calculations of insatiate avarice to stake your all for the protection of this trade? I do not speak of the probable effects of war on the price of our produce; severely as we must feel, we may scuffle through it. I speak of its reaction on the constitution.

You may go to war for this excrescence of the carrying trade, and make peace at the expense of the constitution. Your executive will lord it over you, and you must make the best terms with the conqueror that you can.

But the gentleman from Pennsylvania [Mr. Gregg] tells you that he is for acting in this, as in all things, uninfluenced by the opinion of any foreign minister whatever — foreign,

[1] "Let not the cobbler go beyond his last."

or, I presume, domestic. On this head I am willing to meet the gentleman, am unwilling to be dictated to by any minister at home or abroad. Is he willing to act on the same independent footing? I have before protested, and I again protest, against secret, irresponsible, overruling influence. The first question I asked when I saw the gentleman's resolution was, "Is this a measure of the cabinet?" Not an open declared cabinet, but an invisible, inscrutable, unconstitutional cabinet — without responsibility, unknown to the constitution. I speak of back-stairs influence, of men who bring messages to this House, which, although they do not appear on the journals, govern its decisions. Sir, the first question that I asked on the subject of British relations was, what was the opinion of the cabinet? What measures will they recommend to Congress? — well knowing that whatever measures we might take they must execute them, and therefore that we should have their opinion on the subject — My answer was (and from a cabinet minister too), "There is no longer any cabinet." Subsequent circumstances, sir, have given me a personal knowledge of the fact. It needs no commentary.

But the gentleman has told you that we ought to go to war, if for nothing else, for the fur trade. Now, sir, the people on whose support he seems to calculate, follow, let me tell him, a better business; and let me add that whilst men are happy at home reaping their own fields, the fruits of their labor and industry, there is little danger of their being induced to go sixteen or seventeen hundred miles in pursuit of beavers, raccoons or opossums — much less of going to war for the privilege. They are better employed where they are.

This trade, sir, may be important to Britain, to nations who have exhausted every resource of industry at home — bowed

down by taxation and wretchedness. Let them, in God's name, if they please, follow the fur trade. They may, for me, catch every beaver in North America. Yes, sir, our people have a better occupation — a safe, profitable, honorable employment.

Whilst they should be engaged in distant regions in hunting the beaver, they dread lest those whose natural prey they are should begin to hunt them — should pillage their property and assassinate their constitution. Instead of these wild schemes pay off your public debt, instead of prating about its confiscation. Do, not, I beseech you, expose at once your knavery and your folly. You have more lands than you know what to do with — you have lately paid fifteen millions for yet more. Go and work them — and cease to alarm the people with the cry of wolf until they become deaf to your voice or at least laugh at you.

Mr. Chairman, if I felt less regard for what I deem the best interests of this nation than for my own reputation I should not on this day have offered to address you; but would have waited to come out, bedecked with flowers and bouquets of rhetoric, in a set speech. But, sir, I dread lest a tone might be given to the mind of the committee — they will pardon me, but I did fear, from all that I could see or hear, that they might be prejudiced by its advocates (under pretence of protecting our commerce) in favor of this ridiculous and preposterous project — I rose, sir, for one, to plead guilty — to declare in the face of day that I will not go to war for this carrying trade. I will agree to pass for an idiot if this is not the public sentiment; and you will find it to your cost, begin the war when you will.

Gentlemen talk of 1793. They might as well go back to the Trojan war. What was your situation then? Then

every heart beat high with sympathy for France — for republican France! I am not prepared to say, with my friend from Pennsylvania, that we were all ready to draw our swords in her cause, but I affirm that we were prepared to have gone great lengths.

I am not ashamed to pay this compliment to the hearts of the American people even at the expense of their understandings. It was a noble and generous sentiment, which nations, like individuals, are never the worse for having felt. They were, I repeat it, ready to make great sacrifices for France. And why ready? because she was fighting the battles of the human race against the combined enemies of their liberty; because she was performing the part which Great Britain now in fact sustains — forming the only bulwark against universal dominion. Knock away her navy, and where are you? Under the naval despotism of France, unchecked, unqualified by any antagonizing military power — at best but a change of masters. The tyrant of the ocean and the tyrant of the land is one and the same,— lord of all, and who shall say him nay, or wherefore doest thou this thing? Give to the tiger the properties of the shark, and there is no longer safety for the beasts of the forests or the fishes of the sea.

Where was this high anti-Britannic spirit of the gentleman from Pennsylvania when his vote would have put an end to the British treaty, that pestilent source of evil to this country? and at a time, too, when it was not less the interest than the sentiment of this people to pull down Great Britain and exalt France. Then, when the gentleman might have acted with effect, he could not screw his courage to the sticking place. Then England was combined in what has proved a feeble, inefficient coalition, but which gave just cause of alarm to

every friend of freedom. Now, the liberties of the human race are threatened by a single power, more formidable than the coalesced world, to whose utmost ambition, vast as it is, the naval force of Great Britain forms the only obstacle.

I am perfectly sensible and ashamed of the trespass I am making on the patience of the committee; but as I know not whether it will be in my power to trouble them again on this subject I must beg leave to continue my crude and desultory observations. I am not ashamed to confess that they are so.

At the commencement of this session we received a printed message from the President of the United States, breathing a great deal of national honor and indication of the outrages we had endured, particularly from Spain. She was specially named and pointed at. She had pirated upon your commerce, imprisoned your citizens, violated your actual territory, invaded the very limits solemnly established between the two nations by the treaty of San Lorenzo.

Some of the State legislatures (among others the very State on which the gentleman from Pennsylvania relies for support) sent forward resolutions pledging their lives, their fortunes, and their sacred honor, in support of any measures you might take in vindication of your injured rights. Well, sir, what have you done? You have had resolutions laid upon your table — gone to some expense of printing and stationery — mere pen, ink, and paper, and that's all. Like true political quacks, you deal only in handbills and nostrums. Sir, I blush to see the record of our proceedings; they resemble but the advertisements of patent medicines. Here you have the "Worm-destroying Lozenges," there, "Church's Cough Drops,"— and, to crown the whole, "Sloan's Vegetable Specific," an infallible remedy for all nervous disorders and vertigoes of brain-sick politicians; each man earnestly adjuring

you to give his medicine only a fair trial. If, indeed, these wonder-working nostrums could perform but one half of what they promise, there is little danger of our dying a political death, at this time at least. But, sir, in politics as in physic, the doctor is oft-times the most dangerous disease — and this I take to be our case at present.

But, sir, why do you talk of Spain? There are no longer Pyrenees. There exists no such nation — no such being as a Spanish king or minister. It is a mere juggle played off for the benefit of those who put the mechanism into motion. You know, sir, that you have no differences with Spain — that she is the passive tool of a superior power, to whom at this moment you are crouching. Are your differences indeed with Spain? And where are you going to send your political panacea (resolutions and handbills excepted), your sole arcanum of government — your king cure-all? To Madrid? No — you are not such quacks as not to know where the shoe pinches — to Paris. You know at least where the disease lies, and there apply your remedy. When the nation anxiously demands the result of your deliberations, you hang your heads and blush to tell. You are afraid to tell. Your mouth is hermetically sealed. Your honor has received a wound which must not take air. Gentlemen dare not come forward and avow their work, much less defend it in the presence of the nation. Give them all they ask, that Spain exists, and what then? After shrinking from the Spanish jackal, do you presume to bully the British lion?

But here it comes out. Britain is your rival in trade, and governed, as you are, by counting-house politicians: you would sacrifice the paramount interests of your country to wound that rival. For Spain and France you are carriers — and from customers every indignity is to be endured. And what

is the nature of this trade? Is it that carrying trade which sends abroad the flour, tobacco, cotton, beef, pork, fish, and lumber of this country, and brings back in return foreign articles necessary for our existence or comfort?

No, sir; 'tis a trade carried on, the Lord knows where or by whom: now doubling Cape Horn, now the Cape of Good Hope. I do not say that there is no profit in it — for it would not then be pursued — but 'tis a trade that tends to assimilate our manners and government to those of the most corrupt countries of Europe. Yes, sir; and when a question of great national magnitude presents itself to you, causes those who now prate about national honor and spirit to pocket any insult, to consider it as a mere matter of debit and credit, a business of profit and loss, and nothing else.

The first thing that struck my mind when this resolution was laid on the table was, "*unde derivatur?*" a question always put to us at school — whence comes it? Is this only the putative father of the bantling he is taxed to maintain, or indeed the actual parent, the real progenitor of the child? or is it the production of the cabinet? But I knew you had no cabinet; no system. I had seen despatches relating to vital measures laid before you, the day after your final decision on those measures, four weeks after they were received; not only their contents, but their very existence, all that time, unsuspected and unknown to men, whom the people fondly believe assist, with their wisdom and experience, at every important deliberation.

Do you believe that this system, or rather this no system, will do? I am free to answer it will not. It cannot last. I am not so afraid of the fair, open, constitutional, responsible influence of government; but I shrink intuitively from this left-handed, invisible, irresponsible influence which defies the

touch but pervades and decides everything. Let the executive come forward to the legislature; let us see whilst we feel it. If we cannot rely on its wisdom, is it any disparagement to the gentleman from Pennsylvania to say that I cannot rely upon him?

No, sir, he has mistaken his talent. He is not the Palinurus on whose skill the nation, at this trying moment, can repose their confidence. I will have nothing to do with this paper; much less will I indorse it and make myself responsible for its goodness. I will not put my name to it. I assert that there is no cabinet, no system, no plan. That which I believe in one place I shall never hesitate to say in another. This is no time, no place, for mincing our steps. The people have a right to know — they shall know — the state of their affairs, at least as far as I am at liberty to communicate them. I speak from personal knowledge. Ten days ago there had been no consultation; there existed no opinion in your executive department; at least, none that was avowed. On the contrary there was an express disavowal of any opinion whatsoever on the great subject before you; and I have good reason for saying that none has been formed since. Some time ago a book was laid on our tables, which like some other bantlings, did not bear the name of its father. Here I was taught to expect a solution of all doubts; an end to all our difficulties. If, sir, I were the foe, as I trust I am the friend, to this nation, I would exclaim, "Oh! that mine enemy would write a book."

At the very outset, in the very first page, I believe, there is a complete abandonment of the principle in dispute. Has any gentleman got the work? [It was handed by one of the members.] The first position taken is the broad principle of the unlimited freedom of trade between nations at peace,

which the writer endeavors to extend to the trade between a neutral and a belligerent power; accompanied, however, by this acknowledgment:

"But, inasmuch as the trade of a neutral with a belligerent nation might, in certain special cases, affect the safety of its antagonist, usage, founded on the principle of necessity, has admitted a few exceptions to the general rule."

Whence comes the doctrine of contraband, blockade, and enemy's property? Now, sir, for what does that celebrated pamphlet, "War in Disguise," which is said to have been written under the eye of the British prime minister, contend, but this "principle of necessity." And this is abandoned by this pamphleteer at the very threshold of the discussion. But as if this were not enough he goes on to assign as a reason for not referring to the authority of the ancients, that "the great change which has taken place in the state of manners, in the maxims of war, and in the course of commerce, make it pretty certain "— (what degree of certainty is this?)— "that either nothing will be found relating to the question, or nothing sufficiently applicable to deserve attention in deciding it."

Here, sir, is an apology of the writer for not disclosing the whole extent of his learning (which might have overwhelmed the reader), in the admission that a change of circumstances ("in the course of commerce") has made, and therefore will now justify, a total change of the law of nations. What more could the most inveterate advocate of English usurpation demand? What else can they require to establish all and even more than they contend for? Sir, there is a class of men (we know them very well) who, if you only permit them to lay the foundation, will build you up, step by step, and brick by brick — very neat and showy if not tenable arguments. To detect them, 'tis only necessary to watch their premises,

where you will often find the point at issue totally surrendered, as in this case it is. Again: is the "*mare liberum*" anywhere asserted in this book — that free ships make free goods?

No, sir; the right of search is acknowledged; that enemy's property is lawful prize, is sealed and delivered. And after abandoning these principles, what becomes of the doctrine that a mere shifting of the goods from one ship to another, the touching at another port, changes the property? Sir, give up this principle, and there is an end to the question. You lie at the mercy of the conscience of a court of admiralty.

Is Spanish sugar or French coffee made American property by the mere change of the cargo, or even by the landing and payment of the duties? Does this operation effect a change of property? And when those duties are drawn back, and the sugars and coffee re-exported, are they not, as enemy's property, liable to seizure upon the principles of the "examination of the British doctrine," etc. And is there not the best reason to believe that this operation is performed in many if not in most cases, to give a neutral aspect and color to the merchandise?

I am prepared, sir, to be represented as willing to surrender important rights of this nation to a foreign government. I have been told that this sentiment is already whispered in the dark by time-servers and sycophants; but if your clerk dared to print them I would appeal to your journals! — I would call for the reading of them; but that I know they are not for profane eyes to look upon. I confess that I am more ready to surrender to a naval power a square league of ocean than to a territorial one a square inch of land within our limits; and I am ready to meet the friends of the resolution on this ground at any time.

Let them take off the injunction of secrecy. They dare not. They are ashamed and afraid to do it. They may give winks and nods and pretend to be wise, but they dare not come out and tell the nation what they have done.

Gentlemen may take notes if they please; but I will never, from any motives short of self-defence, enter upon war. I will never be instrumental to the ambitious schemes of Bonaparte, nor put into his hands what will enable him to wield the world; and on the very principle that I wished success to the French arms in 1793. And wherefore? Because the case is changed. Great Britain can never again see the year 1760. Her Continental influence is gone forever. Let who will be uppermost on the continent of Europe, she must find more than a counterpoise for her strength. Her race is run. She can only be formidable as a maritime power; and even as such perhaps not long. Are you going to justify the acts of the last administration, for which they have been deprived of the government, at our instance? Are you going back to the ground of 1798-9?

I ask of any man who now advocates a rupture with England to assign a single reason for his opinion, that would not have justified a French war in 1798. If injury and insult abroad would have justified it, we had them in abundance then. But what did the republicans say at that day? That under the cover of a war with France the executive would be armed with a patronage and power which might enable it to master our liberties. They deprecated foreign war and navies, and standing armies, and loans, and taxes. The delirium passed away, the good sense of the people triumphed, and our differences were accommodated without a war. And what is there in the situation of England that invites to war with her? 'Tis true she does not deal so largely in perfecti-

bility, but she supplies you with a much more useful commodity — with coarse woollens. With less professions indeed she occupies the place of France in 1793. She is the sole bulwark of the human race against universal dominion. No thanks to her for it. In protecting her own existence she ensures theirs. I care not who stands in this situation, whether England or Bonaparte; I practise the doctrines now that I professed in 1798.

Gentlemen may hunt up the journals if they please — I voted against all such projects under the administration of John Adams, and I will continue to do so under that of Thomas Jefferson. Are you not contented with being free and happy at home? Or will you surrender these blessings, that your merchants may tread on Turkish and Persian carpets and burn the perfumes of the East in their vaulted rooms?

Gentlemen say, 'tis but an annual million lost, and even if it were five times that amount what is it compared with your neutral rights? Sir, let me tell them a hundred millions will be but a drop in the bucket if once they launch without rudder or compass into this ocean of foreign warfare. Whom do they want to attack — England? They hope it is a popular thing, and talk about Bunker's Hill and the gallant feats of our revolution. But is Bunker's Hill to be the theatre of war? No, sir, you have selected the ocean; and the object of attack is that very navy which prevented the combined fleets of France and Spain from levying contributions upon you in your own seas; that very navy which in the famous war of 1798 stood between you and danger.

Whilst the fleets of the enemy were pent up in Toulon or pinioned in Brest we performed wonders, to be sure; but, sir, if England had drawn off, France would have told you quite a

different tale. You would have struck no medals. This is not the sort of conflict that you are to count upon if you go to war with Great Britain.

"*Quem Deus vult perdere prius dementat.*"[1] And are you mad enough to take up the cudgels that have been struck from the nerveless hands of the three great maritime powers of Europe? Shall the planter mortgage his little crop and jeopardize the constitution in support of commercial monopoly, in the vain hope of satisfying the insatiable greediness of trade? Administer the constitution upon principles for the general welfare, and not for the benefit of any particular class of men. Do you meditate war for the possession of Baton Rouge or Mobile, places which your own laws declare to be within your limits? Is it even for the fair trade that exchanges your surplus products for such foreign articles as you require? No, sir, 'tis for a circuitous traffic — an *ignis fatuus*.

And against whom? A nation from whom you have anything to fear? I speak as to our liberties. No, sir, with a nation from whom you have nothing, or next to nothing, to fear — to the aggrandizement of one against which you have everything to dread. I look to their ability and interest, not to their disposition. When you rely on that, the case is desperate. Is it to be inferred from all this that I would yield to Great Britain? No; I would act towards her now as I was disposed to do towards France in 1798-9 — treat with her; and for the same reason, on the same principles. Do I say treat with her? At this moment you have a negotiation pending with her government. With her you have not tried negotiation and failed, totally failed, as you have done with Spain, or rather France. And wherefore, under such cir-

[1] Whom God wishes to destroy he first makes mad.

cumstances, this hostile spirit to the one, and this — I won't say what — to the other?

But a great deal is said about the laws of nations. What is national law but national power guided by national interest? You yourselves acknowledge and practise upon this principle where you can, or where you dare,—with the Indian tribes, for instance. I might give another and more forcible illustration. Will the learned lumber of your libraries add a ship to your fleet or a shilling to your revenue? Will it pay or maintain a single soldier? And will you preach and prate of violations of your neutral rights when you tamely and meanly submit to the violation of your territory? Will you collar the stealer of your sheep, and let him escape that has invaded the repose of your fireside; has insulted your wife and children under your own roof?

This is the heroism of truck and traffic — the public spirit of sordid avarice. Great Britain violates your flag on the high seas. What is her situation? Contending, not for the dismantling of Dunkirk, for Quebec, or Pondicherry, but for London and Westminster—for life. Her enemy violating at will the territories of other nations — acquiring thereby a colossal power that threatens the very existence of her rival. But she has one vulnerable point to the arms of her adversary which she covers with the ensigns of neutrality. She draws the neutral flag over the heel of Achilles. And can you ask that adversary to respect it at the expense of her existence? And in favor of whom? — an enemy that respects no neutral territory of Europe, and not even your own? I repeat that the insults of Spain towards this nation have been at the instigation of France; that there is no longer any Spain. Well, sir, because the French government do not put this into the "Moniteur," you choose to shut your eyes to it. None so blind

as those who will not see. You shut your own eyes, and to blind those of other people you go into conclave and slink out again and say — "a great affair of State!" — *C'est une grande affaire d'État!*

It seems that your sensibility is entirely confined to the extremities. You may be pulled by the nose and ears, and never feel it; but let your strong-box be attacked, and you are all nerve — "Let us go to war!" Sir, if they called upon me only for my little *peculium* to carry it on, perhaps I might give it: but my rights and liberties are involved in the grant, and I will never surrender them whilst I have life.

The gentleman from Massachusetts [Mr. Crowninshield] is for sponging the debt. I can never consent to it. I will never bring the ways and means of fraudulent bankruptcy into your committee of supply. Confiscation and swindling shall never be found among my estimates, to meet the current expenditure of peace or war. No, sir. I have said with the doors closed, and I say so when they are open, "Pay the public debt." Get rid of that dead weight upon your government, that cramp upon all your measures, and then you may put the world at defiance.

So long as it hangs upon you, you must have revenue, and to have revenue you must have commerce — commerce, peace. And shall these nefarious schemes be advised for lightening the public burdens? will you resort to these low and pitiful shifts? will you dare even to mention these dishonest artifices to eke out your expenses when the public treasure is lavished on Turks and infidels; on singing boys, and dancing girls; to furnish the means of bestiality to an African barbarian?

Gentlemen say that Great Britain will count upon our divisions. How! What does she know of them? Can they

ever expect greater unanimity than prevailed at the last Presidential election? No, sir, 'tis the gentleman's own conscience that squeaks. But if she cannot calculate upon your divisions, at least she may reckon upon your pusillanimity. She may well despise the resentment that cannot be excited to honorable battle on its own ground — the mere effusion of mercantile cupidity.

Gentlemen talk of repealing the British treaty. The gentleman from Pennsylvania should have thought of that before he voted to carry it into effect. And what is all this for? A point which Great Britain will not abandon to Russia you expect her to yield to you. Russia indisputably the second power of continental Europe, with half a million of hardy troops, with sixty sail of the line, thirty millions of subjects, a territory more extensive even than our own — Russia, sir, the storehouse of the British navy — whom it is not more the policy and the interest than the sentiment of that government to soothe and to conciliate; her sole hope of a diversion on the Continent — her only efficient ally. What this formidable power cannot obtain with fleets and armies you will command by writ — with pot-hooks and hangers.

I am for no such policy. True honor is always the same. Before you enter into a contest, public or private, be sure you have fortitude enough to go through with it. If you mean war, say so, and prepare for it.

Look on the other side — behold the respect in which France holds neutral rights on land — observe her conduct in regard to the Franconian estates of the King of Prussia: I say nothing of the petty powers — of the Elector of Baden, or of the Swiss: I speak of a first-rate monarchy of Europe, and at a moment too when its neutrality was the object of all others nearest to the heart of the French Emperor. If you make

him monarch of the ocean you may bid adieu to it forever.

You may take your leave, sir, of navigation — even of the Mississippi. What is the situation of New Orleans if attacked to-morrow? Filled with a discontented and repining people, whose language, manners, and religion all incline them to the invader— a dissatisfied people, who despise the miserable governor you have set over them — whose honest prejudices and basest passions alike take part against you. I draw my information from no dubious source — from a native American, an enlightened member of that odious and imbecile government. You have official information that the town and its dependencies are utterly defenceless and untenable — a firm belief that, apprised of this, government would do something to put the place in a state of security, alone has kept theAmerican portion of that community quiet. You have held that post — you now hold it — by the tenure of the naval predominance of England, and yet you are for a British naval war.

There are now two great commercial nations. Great Britain is one — we are the other. When you consider the many points of contact between your interests, you may be surprised that there has been so little collision. Sir, to the other belligerent nations of Europe your navigation is a convenience, I might say a necessary. If you do not carry for them they must starve, at least for the luxuries of life, which custom has rendered almost indispensable. And if you cannot act with some degree of spirit towards those who are dependent upon you as carriers, do you reckon to browbeat a jealous rival who, the moment she lets slip the dogs of war, sweeps you, at a blow, from the ocean? And *cui bono?* for whose benefit? — The planter? Nothing like it. The fair, honest, real

American merchant? No, sir — for renegadoes; to-day American — to-morrow, Danes. Go to war when you will, the property now covered by the American will then pass under the Danish or some other neutral flag. Gentlemen say that one English ship is worth three of ours: we shall therefore have the advantage in privateering. Did they ever know a nation get rich by privateering?

This is stuff for the nursery. Remember that your products are bulky — as has been stated — that they require a vast tonnage. Take these carriers out of the market — what is the result? The manufactures of England, which (to use a finishing touch of the gentleman's rhetoric) have received the finishing stroke of art, lie in a small comparative compass. The neutral trade can carry them. Your produce rots in the warehouse — you go to Statia or St. Thomas's, and get a striped blanket for a joe, if you can raise one — double freight, charges, and commissions. Who receives the profit? — The carrier. Who pays it? — The consumer.

All your produce that finds its way to England must bear the same accumulated charges, with this difference: that there the burden falls on the home price. I appeal to the experience of the last war, which has been so often cited. What, then, was the price of produce and of broadcloth?

But you are told England will not make war — she has her hands full. Holland calculated in the same way in 1781. How did it turn out? You stand now in the place of Holland, then — without her navy, unaided by the preponderating fleets of France and Spain, to say nothing of the Baltic powers. Do you want to take up the cudgels where these great maritime powers have been forced to drop them? to meet Great Britain on the ocean and drive her off its face? If you are so far gone as this, every capital measure of your

policy has hitherto been wrong. You should have nurtured the old and devised new systems of taxation — have cherished your navy. Begin this business when you may, land taxes, stamp acts, window taxes, hearth money, excise, in all its modifications of vexation and oppression, must precede or follow after.

But, sir, as French is the fashion of the day, I may be asked for my *projet.* I can readily tell gentlemen what I will not do. I will not propitiate any foreign nation with money. I will not launch into a naval war with Great Britain, although I am ready to meet her at the Cow-pens or Bunker's Hill. And for this plain reason.

We are a great land animal, and our business is on shore. I will send her no money, sir, on any pretext whatsoever, much less on pretence of buying Labrador or Botany Bay, when my real object was to secure limits which she formally acknowledged at the peace of 1783. I go further — I would (if anything) have laid an embargo. This would have got our own property home and our adversary's into our power. If there is any wisdom left among us the first step toward hostility will always be an embargo. In six months all your mercantile megrims would vanish. As to us, although it would cut deep, we can stand it. Without such a precaution, go to war when you will, you go to the wall. As to debts, strike the balance to-morrow, and England is, I believe, in our debt.

I hope, sir, to be excused for proceeding in this desultory course. I flatter myself I shall not have occasion again to trouble you — I know not that I shall be able — certainly not willing, unless provoked in self-defence. I ask your attention to the character of the inhabitants of that southern country on whom gentlemen rely for the support of their

measure. Who and what are they? A simple agricultural people, accustomed to travel in peace to market with the produce of their labor. Who takes it from us?

Another people devoted to manufactures — our sole source of supply. I have seen some stuff in the newspapers about manufactures in Saxony, and about a man who is no longer the chief of a dominant faction. The greatest man whom I ever knew — the immortal author of the letters of Curtius — has remarked the proneness of cunning people to wrap up and disguise, in well-selected phrases, doctrines too deformed and detestable to bear exposure in naked words; by a judicious choice of epithets to draw the attention from the lurking principle beneath and perpetuate delusion. But a little while ago, and any man might be proud to be considered as the head of the republican party. Now, it seems, 'tis reproachful to be deemed the chief of a dominant faction.

Mark the magic words! Head, chief. Republican party, dominant faction. But as to these Saxon manufactures. What became of their Dresden china? Why, the Prussian bayonets have broken all the pots, and you are content with Worcestershire or Staffordshire ware. There are some other fine manufactures on the Continent, but no supply, except, perhaps, of linens, the article we can best dispense with. A few individuals, sir, may have a coat of Louviers cloth, or a service of Sèvres china; but there is too little, and that little too dear, to furnish the nation. You must depend on the fur trade in earnest, and wear buffalo hides and bear skins.

Can any man who understands Europe pretend to say that a particular foreign policy is now right because it would have been expedient twenty or even ten years ago, without abandoning all regard for common sense? Sir, it is the states-

man's province to be guided by circumstances, to anticipate, to foresee them, to give them a course and a direction, to mold them to his purpose.

It is the business of a counting-house clerk to peer into the day-book and ledger, to see no further than the spectacles on his nose, to feel not beyond the pen behind his ear, to chatter in coffee-houses, and be the oracle of clubs. From 1783 to 1793, and even later (I don't stickle for dates), France had a formidable marine — so had Holland — so had Spain. The two first possessed thriving manufactures and a flourishing commerce. Great Britain, tremblingly alive to her manufacturing interests and carrying trade, would have felt to the heart any measure calculated to favor her rivals in these pursuits; she would have yielded then to her fears and her jealousy alone.

What is the case now? She lays an export duty on her manufactures, and there ends the question. If Georgia shall (from whatever cause) so completely monopolize the culture of cotton as to be able to lay an export duty of three per cent upon it, besides taxing its cultivators in every other shape that human or infernal ingenuity can devise, is Pennsylvania likely to rival her or take away the trade?

But, sir, it seems that we who are opposed to this resolution are men of no nerves — who trembled in the days of the British treaty — cowards (I presume) in the reign of terror! Is this true? Hunt up the journals; let our actions tell. We pursue our unshaken course. We care not for the nations of Europe, but make foreign relations bend to our political principles and subserve our country's interest. We have no wish to see another Actium, or Pharsalia, or the lieutenants of a modern Alexander playing at piquet or all-fours for the empire of the world. 'Tis poor comfort to us to be told

that France has too decided a taste for luxurious things to meddle with us; that Egypt is her object, or the coast of Barbary, and at the worst we shall be the last devoured.

We are enamored with neither nation — we would play their own game upon them, use them for our interest and convenience. But with all my abhorrence of the British government I should not hesitate between Westminster Hall and a Middlesex jury on the one hand, and the wood of Vincennes and a file of grenadiers, on the other. That jury trial which walked with Horne Tooke and Hardy through the flames of ministerial persecution is, I confess, more to my taste than the trial of the Duke d'Enghien.

Mr. Chairman, I am sensible of having detained the committee longer than I ought — certainly much longer than I intended. I am equally sensible of their politeness, and not less so, sir, of your patient attention. It is your own indulgence, sir, badly requited indeed, to which you owe this persecution. I might offer another apology for these undigested, desultory remarks; my never having seen the treasury documents. Until I came into the House this morning I have been stretched on a sick bed.

But when I behold the affairs of this nation, instead of being where I hoped, and the people believed they were, in the hands of responsible men, committed to Tom, Dick, and Harry — to the refuse of the retail trade of politics — I do feel, I cannot help feeling, the most deep and serious concern. If the executive government would step forward and say, "Such is our plan, such is our opinion, and such are our reasons in support of it," I would meet it fairly, would openly oppose or pledge myself to support it. But without compass or polar star I will not launch into an ocean of unexplored measures which stand condemned by all the information to

which I have access. The constitution of the United States declares it to be the province and duty of the President "to give to Congress, from time to time, information of the state of the Union, and recommend to their consideration such measures as he shall judge expedient and necessary." Has he done it? I know, sir, that we may say, and do say, that we are independent (would it were true); as free to give a direction to the executive as to receive it from him. But do what you will, foreign relations — every measure short of war, and even the course of hostilities — depend upon him. He stands at the helm and must guide the vessel of state.

I think our citizens just as well entitled to know what has passed as the Marquis Yrujo, who has bearded your President to his face, insulted your government within its own peculiar jurisdiction, and outraged all decency. Do you mistake this diplomatic puppet for an automaton? He has orders for all he does. Take his instructions from his pocket to-morrow, they are signed "Charles Maurice Talleyrand."

Let the nation know what they have to depend upon. Be true to them, and trust me, they will prove true to themselves and to you. The people are honest; now at home at their plows, not dreaming of what you are about. But the spirit of inquiry that has too long slept will be, must be, awakened. Let them begin to think; not to say such things are proper because they have been done, but, what has been done? and wherefore? — and all will be right.

WILLIAM WIRT

WILLIAM WIRT, an able American lawyer, author, and orator, was born at Bladensburg, Md., Nov. 8, 1772, and died at Washington, D. C., Feb. 18, 1834. After an education obtained at several classical schools, he studied law, was admitted to the Bar in 1792, and began the practice of his profession at Culpeper Court House, Va. Having won notice as a lawyer, he removed in 1799 to Richmond; there becoming, first, clerk to the House of Delegates, and later, chancellor of the eastern district of Virginia. He was in 1807 assisting-prosecuting counsel in the trial of Aaron Burr, the principal speech which he delivered on this occasion occupying four hours. It still remains his most admired effort and is familiar to most readers. Less noted, but still noteworthy, speeches by Wirt are those on the deaths of Jefferson and Adams in 1826, and one delivered in 1830 at Rutgers College. In 1817, Wirt removed to Washington, on his appointment as Attorney-General of the United States, in Monroe's administration, but resigned this post in 1829, and for the remainder of his life pursued the practice of his profession at Baltimore. Wirt's early style of oratory was ornate, but in later life it assumed a more sober, dignified character, his speeches being then remarkable for their close reasoning, discrimination, and keen analysis. He was unusually fine looking and possessed a clear, melodious voice and a calm, self-possessed manner of delivery. His writings include "Letters of a British Spy" (1803); "The Old Bachelor," a series of essays, (1812); "The Two Principal Arguments in the Trial of Aaron Burr" (1808); "Sketches of the Life and Character of Patrick Henry" (1817), and various addresses.

SPEECH IN THE TRIAL OF AARON BURR

[In May, 1807, Aaron Burr was arraigned in the Circuit Court of the United States, held at Richmond, Virginia, for treason in preparing the means of a military expedition against the possessions of the King of Spain, with whom the United States were at peace. Under the direction of President Jefferson Mr. Wirt was retained to assist the United States attorney in the prosecution, and in the course of the trial he spoke as follows:]

MAY IT PLEASE YOUR HONORS,—It is my duty to proceed, on the part of the United States, in opposing this motion. But I should not deem it my duty to oppose it if it were founded on correct principles. I stand here with the same independence of action which belongs to the attorney of the United States; and as he would certainly

relinquish the prosecution the moment he became convinced of its injustice, so also most certainly would I. The humanity and justice of this nation would revolt at the idea of a prosecution pushed on against a life which stood protected by the laws; but whether they would or not, I would not plant a thorn, to rankle for life in my heart, by opening my lips in support of a prosecution which I felt and believed to be unjust.

But believing, as I do, that this motion is not founded in justice, that it is a mere manœuvre to obstruct the inquiry, to turn it from the proper course, to wrest the trial of the facts from the proper tribunal, the jury, and embarrass the court with a responsibility which it ought not to feel, I hold it my duty to proceed — for the sake of the court, for the sake of vindicating the trial by jury, now sought to be violated, for the sake of full and ample justice in this particular case, for the sake of the future peace, union, and independence of these States, I feel it my bounden duty to proceed. In doing which I beg that the prisoner and his counsel will recollect the extreme difficulty of clothing my argument in terms which may be congenial with their feelings.

The gentlemen appear to me to feel a very extraordinary and unreasonable degree of sensibility on this occasion. They seem to forget the nature of the charge and that we are the prosecutors. We do not stand here to pronounce a panegyric on the prisoner, but to urge on him the crime of treason against his country. When we speak of treason we must call it treason. When we speak of a traitor we must call him a traitor. When we speak of a plot to dismember the Union, to undermine the liberties of a great portion of the people of this country, and subject them to a usurper and a despot, we are obliged to use the terms which convey those ideas.

Why then are gentlemen so sensitive? Why on these occasions, so necessary, so unavoidable, do they shrink back with so much agony of nerve as if, instead of a hall of justice, we were in a drawing-room with Colonel Burr and were barbarously violating towards him every principle of decorum and humanity?

Mr. Wickham has, indeed, invited us to consider the subject abstractly, and we have been told that it is expected to be so considered; but, sir, if this were practicable, would there be no danger in it? Would there be no danger, while we were mooting points, pursuing ingenious hypotheses, chasing elementary principles over the wide extended plains and Alpine heights of abstract law, that we should lose sight of the great question before the court?

This may suit the purposes of the counsel for the prisoner; but it does not, therefore, necessarily suit the purposes of truth and justice. It will be proper, when we have derived a principle from law or argument, that we should bring it to the case before the court, in order to test its application and its practical truth. In doing which we are driven into the nature of the case and must speak of it as we find it.

But, besides, the gentlemen have themselves rendered this totally abstract argument completely impossible; for one of their positions is that there is no overt act proven at all. Now, that an overt act consists of fact and intention has been so often repeated here that it has a fair title to Justice Vaughan's epithet of a "decantatum." In speaking then of this overt act we are compelled to inquire, not merely into the fact of the assemblage, but the intention of it; in doing which we must examine and develop the whole project of the prisoner. It is obvious, therefore, that an abstract examination of this point cannot be made; and since the gentlemen

drive us into the examination they cannot complain if, without any softening of lights or deepening of shades, we exhibit the picture in its true and natural state.

This motion is a bold and original stroke in the noble science of defence. It marks the genius and hand of a master. For it gives to the prisoner every possible advantage, while it gives him the full benefit of his legal defence — the sole defence which he would be able to make to the jury if the evidence were all introduced before them. It cuts off from the prosecution all that evidence which goes to connect the prisoner with the assemblage on the island, to explain the destination and objects of the assemblage, and to stamp beyond controversy the character of treason upon it. Connect this motion with that which was made the other day, to compel us to begin with the proof of the overt act, in which, from their zeal, gentlemen were equally sanguine, and observe what would have been the effect of success in both motions? We should have been reduced to the single fact, the individual fact, of the assemblage on the island, without any of the evidence which explains the intention and object of that assemblage. Thus gentlemen would have cut off all the evidence which carries up the plot almost to its conception, which, at all events, describes the first motion which quickened it into life, and follows its progress until it attained such strength and maturity as to throw the whole western country into consternation.

Thus, of the world of evidence which we have, we should have been reduced to the speck, the atom which relates to Blennerhassett's Island. General Eaton's deposition (hitherto so much and so justly revered as to its subject), standing by itself would have been without the powerful fortification derived from the corroborative evidence of Commodore

Truxton and the still stronger and most extraordinary coincidence of the Morgans. Standing alone, gentlemen would have still proceeded to speak of that affidavit as they have heretofore done; not declaring that what General Eaton had sworn was not the truth, but that it was a most marvellous story! a most wonderful tale! and thus would they have continued to seek, in the bold and wild extravagance of the project itself, an argument against its existence and a refuge from public indignation.

But that refuge is taken away. General Eaton's narration stands confirmed beyond the possibility of rational doubt. But I ask what inference is to be drawn from these repeated attempts to stifle the prosecution and smother the evidence? If the views of the prisoner were, as they have been so often represented by one of his counsel, highly honorable to himself and glorious to his country, why not permit the evidence to disclose these views?

Accused as he is of high treason, he would certainly stand acquitted, not only in reason and justice, but by the maxims of the most squeamish modesty, in showing us by evidence all this honor and this glory which his scheme contained.

No, sir, it is not squeamish modesty; it is not fastidious delicacy that prompts these repeated efforts to keep back the evidence; it is apprehension; it is alarm; it is fear; or rather it is the certainty that the evidence, whenever it shall come forward, will fix the charge; and if such shall appear to the court to be the motive of this motion, your honors, I well know, will not be disposed to sacrifice public justice, committed to your charge, by aiding this stratagem to elude the sentence of the law; you will yield to the motion no further than the rigor of legal rules shall imperiously constrain you.

I shall proceed now to examine the merits of the motion

itself, and to answer the argument of the gentleman [Mr. Wickham], who opened it. I will treat that gentleman with candor. If I misrepresent him, it will not be intentionally. I will not follow the example which he has set me on a very recent occasion. I will not complain of flowers and graces where none exist. I will not, like him, in reply to an argument as naked as a sleeping Venus, but certainly not half so beautiful, complain of the painful necessity I am under, in the weakness and decrepitude of logical vigor, of lifting first this flounce and then that furbelow before I can reach the wished-for point of attack. I keep no flounces or furbelows ready manufactured and hung up for use in the millinery of my fancy, and if I did, I think I should not be so indiscreetly impatient to get rid of my wares as to put them off on improper occasions.

I cannot promise to interest you by any classical and elegant allusions to the pure pages of "Tristram Shandy." I cannot give you a squib or a rocket in every period. For my own part, I have always thought these flashes of wit (if they deserve that name), I have always thought these meteors of the brain, which spring up with such exuberant abundance in the speeches of that gentleman, which play on each side of the path of reason, or, sporting across it with fantastic motion, decoy the mind from the true point in debate, no better evidence of the soundness of the argument with which they are connected, nor, give me leave to add, the vigor of the brain from which they spring, than those vapors which start from our marshes and blaze with a momentary combustion, and which, floating on the undulations of the atmosphere, beguile the traveler into bogs and brambles, are evidences of the firmness and solidity of the earth from which they proceed.

I will endeavor to meet the gentleman's propositions in their

full force and to answer them fairly. I will not, as I am advancing towards them with my mind's eye, measure the height, breadth, and power of the proposition; if I find it beyond my strength, halve it; if still beyond my strength, quarter it; if still necessary, subdivide it into eighths; and when by this process I have reduced it to the proper standard take one of these sections and toss it, with an air of elephantine strength and superiority.

If I find myself capable of conducting, by a fair course of reasoning, any one of his propositions to an absurd conclusion, I will not begin by stating that absurd conclusion as the proposition itself which I am going to encounter. I will not, in commenting on the gentleman's authorities, thank the gentleman, with sarcastic politeness for introducing them, declare that they conclude directly against him, read just so much of the authority as serves the purpose of that declaration, omitting that which contains the true point of the case which makes against me; nor, if forced by a direct call to read that part also, will I content myself by running over it as rapidly and inarticulately as I can, throw down the book with a theatrical air, and exclaim, "Just as I said," when I know it is just as I had not said.

I know that by adopting these arts I might raise a laugh at the gentleman's expense; but I should be very little pleased with myself if I were capable of enjoying a laugh procured by such means. I know, too, that by adopting such arts there will always be those standing around us who have not comprehended the whole merits of the legal discussion, with whom I might shake the character of the gentleman's science and judgment as a lawyer. I hope I shall never be capable of such a wish, and I had hoped that the gentleman himself felt so strongly that proud, that high, aspiring, and ennobling

magnanimity which I had been told conscious talents rarely fail to inspire, that he would have disdained a poor and fleeting triumph gained by means like these.

I proceed now to answer the several points of his argument, so far as they could be collected from the general course of his speech. I say, so far as they could be collected; for the gentleman, although requested before he began, refused to reduce his motion to writing. It suited better his partisan style of warfare to be perfectly at large; to change his ground as often as he pleased; on the plains of Monmouth to-day, at the Eutaw Springs to-morrow. He will not censure me, therefore, if I have not been correct in gathering his points from a desultory discourse of four or five hours' length, as it would not have been wonderful if I had misunderstood him. I trust, therefore, that I have been correct; it was my intention to be so; for I can see neither pleasure nor interest in misrepresenting any gentleman; and I now beg the court, and the gentleman, if he will vouchsafe it, to set me right if I have misconceived him.

I understood him, then, sir, to resist the introduction of further evidence under this indictment by making four propositions.

First. Because Aaron Burr, not being on the island at the time of the assemblage, cannot be a principal in the treason, according to the constitutional definition or the laws of England.

Second. Because the indictment must be proved as laid; and as the indictment charges the prisoner with levying war, with an assemblage on the island, no evidence to charge him with that act, by relation, is relevant to this indictment.

Third. Because, if he be a principal in the treason at all, he is a principal in the second degree; and, his guilt being of that kind which is termed derivative, no parol evidence can be let in to charge him until we shall show a record of the conviction of the principals in the first degree.

Fourth. Because no evidence is relevant to connect the prisoner with others, and thus to make him a traitor by relation, until we shall previously show an act of treason in these others; and the assemblage on the island was not an act of treason.

I beg leave to take up these propositions in succession, and to give them those answers which to my mind are satisfactory. Let us examine the first: it is because Aaron Burr, not being present on the island at the time of the assemblage, cannot be a principal in the treason within the constitutional definition or the laws of England.

In many of the gentleman's general propositions I perfectly accord with him: as that the constitution was intended to guard against the calamities to which Montesquieu refers when he speaks of the victims of treason; that the constitution intended to guard against arbitrary and constructive treasons; that the principles of sound reason and liberty require their exclusion; and that the constitution is to be interpreted by the rules of reason and moral right.

I fear, however, that I shall find it difficult to accommodate both the gentlemen who have spoken in support of the motion, and to reconcile some of the positions of Mr. Randolph to the rules of Mr. Wickham; for, while the one tells us to interpret the constitution by sound reason, the other exclaims, "Save us from the deductions of common sense." What rule then shall I adopt? A kind of reason which is not common sense might indeed please both the gentlemen; but, as that is a species of reason of which I have no very distinct conception, I hope the gentlemen will excuse me for not employing it. Let us return to Mr. Wickham.

Having read to us the constitutional definition of treason, and given us the rule by which it was to be interpreted, it was natural to expect that he would have proceeded directly to

apply that rule to the definition and give us the result. But while we were expecting this, even while we have our eyes on the gentleman, he vanishes like a spirit from American ground, and we see him no more until we see him in England, resurging by a kind of intellectual magic in the middle of the sixteenth century, complaining most dolefully of my Lord Coke's bowels.

Before we follow him in this excursion it may be well to inquire what it was that induced him to leave the regular track of his argument. I will tell you what it was. It was, sir, the decision of the supreme court in the case of Bollman and Swartwout. It was the judicial exposition of the constitution by the highest court in the nation, upon the very point which the gentleman was considering, which made him take this flight to England; because it stared him in the face and contradicted his position.

Sir, if the gentleman had believed this decision to be favorable to him, we should have heard of it in the beginning of his argument; for the path of inquiry in which he was led him directly to it.

Interpreting the American constitution, he would have preferred no authority to that of the supreme court of the country. Yes, sir, he would have immediately seized this decision with avidity. He would have set it before you in every possible light. He would have illustrated it. He would have adorned it. You would have seen it under the action of his genius appear with all the varying grandeur of our mountains in the morning sun. He would not have relinquished it for the common law, nor have deserted a rock so broad and solid, to walk upon the waves of the Atlantic.

But he knew that this decision closed against him completely the very point which he was laboring. Hence it was

that the decision was kept so sedulously out of view until from the exploded materials of the common law he thought he had reared a Gothic edifice so huge and so dark as quite to overshadow and eclipse it. Let us bring it from this obscurity into the face of day. We who are seeking truth and not victory, whether right or wrong, have no reason to turn our eyes from any source of light which presents itself, and least of all from a source so high and so respectable as the decision of the supreme court of the United States.

The inquiry is, whether presence at the overt act be necessary to make a man a traitor? The gentlemen say that it is necessary; that he cannot be a principal in the treason without actual presence. What says the supreme court in the case of Bollman and Swartwout?

"It is not the intention of the court to say that no individual can be guilty of this crime who has not appeared in arms against his country; on the contrary, if war be actually levied, that is, if a body of men be assembled for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered as traitors."

Here then we find the court so far from requiring presence that it expressly declares that, however remote the accused may have been from the scene of the treasonable assemblage, he is still involved in the guilt of that assemblage, his being leagued in the general conspiracy was sufficient to make the act his own.

The supreme court, being of that opinion, proceeded to an elaborate examination of the evidence, to ascertain whether there had been a treasonable assemblage. It looked to the depositions of General Eaton and General Wilkinson, the ciphered letter, the declaration of Swartwout that Burr was

levying an armed body of seven thousand men; and it looked to these parts of the evidence expressly for the purpose of discovering whether it were probable that Burr had actually brought these men together; not whether Bollman and Swartwout were present at any such assemblage.

It knew that, if any such assemblage had taken place, Bollman and Swartwout must have been at that time at the city of Orleans, or on their way thither; indeed the whole reasoning of the court proceeded on the fact, as admitted, of the prisoner's absence. Why, then, the laborious investigation which the court makes as to the probability of Burr having brought his men or any part of them together, unless the guilt of that assemblage were to be imputed to Bollman and Swartwout? If their absence were sufficient to excuse them, that fact was admitted, and the inquiry would have been a very short one. But, the court having previously decided that the fact of presence or absence was unimportant, that it made no odds how far distant the accused might be from the treasonable assemblage, it became the unavoidable duty of the court to proceed to the inquiry whether any such assemblage had taken place; and if the evidence had manifested that fact to its satisfaction, it is clear that, in the opinion of that court, the prisoners would have been as deeply involved in the guilt of that assemblage as any of those who actually composed it.

The counsel knew that their first point was met directly by the counter authority of the supreme court. They have impliedly, if not expressly, admitted it; hence they have been reduced to the necessity of taking the bold and difficult ground that the passage which I have read is extra-judicial, a mere *obiter dictum*. They have said this, but they have not attempted to show it.

Give me leave to show that they are mistaken; that it is

not an *obiter dictum*, that it is not extra-judicial; but that it is a direct adjudication of a point immediately before the court. What were the questions before the court? The court made no formal division of this subject, but these questions are necessarily and irresistibly involved in it. It must first be observed that the arrest of Bollman and Swartwout at New Orleans, and the fact that they had not been present at any assemblage of the traitors in arms, were notorious and admitted. The case then presented to the court three distinct questions.

First. Has Aaron Burr committed treason, or has he been engaged or leagued in any treasonable conspiracy?

Second. Were Bollman and Swartwout connected with him?

Third. Could they be guilty of treason without being actually present? Now, if the court had been satisfied that there had been an overt act, and that these men were leagued in the conspiracy which produced it, still it would have remained a distinct and substantive question whether their absence from the overt act and their having no immediate hand in it did not discharge them from the constitutional guilt of levying war; for, though leagued in the conspiracy, and although there might have been an overt act, these men would have been innocent if presence at the overt act were necessary to make them guilty.

The question then, of presence or absence, was a question really presented by the case of Bollman and Swartwout. It was one important to the decision of the case, and the court, thinking it so, did consider and decide it in direct opposition to the principle contended for on the other side.

A plain man would imagine that when the supreme court had taken up and decided the case its decision would form a

precedent on the subject; and, having that authority on my side, I should suppose that I might safely dismiss the gentleman's first point. But Mr. Randolph seems to think it very doubtful whether you ought to be bound by that authority, and that you must be very much embarrassed to have to decide it, even admitting it to be a regular judicial determination of this question; for he made a very pathetic and affecting apostrophe to the situation in which you would be placed if you differed from this opinion of the supreme court.

I see no difficulty in the case if our laws are to be uniform. How can the inferior court control the decisions of the superior court? You are but a branch of the supreme court. If you, sir, sitting as a circuit court, have a right to disegard the rule decided by the supreme court, and adopt a different rule, every other inferior court has an equal right to do the same, so that there will be as many various rules as to treason as there are courts; and the result might be, and certainly would be, that what would be treason in one circuit would not be treason in another; and a man might be hanged in Pennsylvania for an act against the United States of which he would be held perfectly innocent in Virginia.

Thus treason against the United States would still be unsettled and fluctuating, and the object of the constitution in defining it would be disappointed and defeated; whereas a principle of law solemnly adjudged by the supreme court becomes, I apprehend, the law of the land; and all the inferior courts are compulsorily bound by it. To say that they are not is to disorganize the whole judiciary system, to confound the distinctions and grades of the courts, to banish all certainty and stability from the law, and to destroy all uniformity of decision. I trust that we are not prepared to rush into this wild disorder and confusion, but that we shall temperately and

regularly conform to the decrees of that parent court, of which this is a mere branch, until those decrees shall be changed by the same high authority which created them.

But for a moment let us relinquish that decision, and, putting it aside, let us indulge the gentleman with the inquiry whether that decision be in conformity with the constitution of the United States and the laws of England. In interpreting the constitution let us apply to it the gentleman's own principles: the rules of reason and moral right. The question to be thus determined is whether a man who is absent may not be guilty as if he were actually present.

That a law should be so construed as to advance the remedy and repress the mischief is not more a rule of common law than a principle of reason; it applies to penal as well as to remedial laws. So also the maxim of the common law, that a law as well as a covenant should be so construed that its object may rather prevail than perish, is one of the plainest dictates of common sense.

Apply these principles to the constitution. Gentlemen have said that its object was to prevent the people from being harassed by arbitrary and constructive treason. But its object, I presume, was not to declare that there was no such crime. It certainly did not mean to encourage treason. It meant to recognize the existence of the crime and provide for its punishment. The liberties of the people, which required that the offence should be defined, circumscribed, and limited, required also that it should be certainly and adequately punished.

The framers of the constitution, informed by the examples of Greece and Rome, and foreseeing that the liberties of this Republic might one day or other be seized by the daring ambition of some domestic usurper, have given peculiar im-

portance and solemnity to the crime by engrafting it upon the constitution. But they have done this in vain if the construction contended for on the other side is to prevail. If it require actual presence at the scene of the assemblage to involve a man in the guilt of treason, how easy will it be for the principal traitor to avoid this guilt and escape punishment forever! He may go into distant States, from one State to another. He may secretly wander, like a demon of darkness from one end of the continent to the other.

He may enter into the confidence of the simple and unsuspecting. He may pour his poison into the minds of those who were before innocent. He may seduce them into a love of his person, offer them advantages, pretend that his measures are honorable and beneficial, connect them in his plot and attach them to his glory. He may prepare the whole mechanism of the stupendous and destructive engine and put it in motion. Let the rest be done by his agents. He may then go a hundred miles from the scene of action. Let him keep himself only from the scene of the assemblage and the immediate spot of battle, and he is innocent in law, while those whom he has deluded are to suffer the death of traitors! Who is the most guilty of this treason, the poor, weak, deluded instruments, or the artful and ambitious man who corrupted and misled them? There is no comparison between his guilt and theirs; and yet you secure impunity to him while they are to suffer death! Is this according to the rules of reason? Is this moral right? Is this a means of preventing treason? Or rather, is it not in truth a direct invitation to it? Sir, it is obvious that neither reason nor moral rights require actual presence at the overt act to constitute the crime of treason. Put this case to any common man, whether the absence of a corrupter should exempt him from punishment for the crime

which he has excited his deluded agents to commit; and he will instantly tell you that he deserves infinitely more severe punishment than his misguided instruments. There is a moral sense much more unerring in questions of this sort than the frigid deductions of jurists or philosophers; and no man of a sound mind and heart can doubt for a moment between the comparative guilt of Aaron Burr (the prime mover of the whole mischief), and the poor men on Blennerhassett's Island, who called themselves Burr's men. In the case of murder, who is the most guilty, the ignorant, deluded perpetrator, or the abominable instigator? The decision of the supreme court, sir, is so far from being impracticable on the ground of reason and moral right, that it is supported by their most obvious and palpable dictates.

Give to the constitution the construction contended for on the other side, and you might as well expunge the crime from your criminal code; nay, you had better do it, for by this construction you hold out the lure of impunity to the most dangerous men in the community, men of ambition and talents, while you loose the vengeance of the law on the comparatively innocent. If treason ought to be repressed, I ask you who is the most dangerous and the most likely to commit it — the mere instrument who applies the force, or the daring, aspiring, elevated genius who devises the whole plot, but acts behind the scenes? . . .

I come now, sir, to the gentleman's third point, in which he says he cannot possibly fail. It is this:

"Because, if the prisoner be a principal in the treason at all, he is a principal in the second degree; and, his guilt being of that kind which is termed derivative, no further parol evidence can be let in to charge him until we show a record of the conviction of the principals in the first degree."

By this I understand the gentleman to advance, in other terms, the common-law doctrine that when a man is rendered a principal in treason by acts which would make him an accessory in felony he cannot be tried before the principal in the first degree.

I understand this to be the doctrine of the common law as established by all the authorities; but when I concede this point I insist that it can have no effect in favor of the accused for two reasons: first, because it is the mere creature of the common law; secondly, because, if the common law of England be our law, this position assumes what is denied, that the conduct of the prisoner in this case is of an accessorial nature, or such as would make him an accessory in felony.

First. Because this position is the mere creature of the common law. If it be so, no consequence can be deduced from it. It is sufficient, on this branch of the subject, to take his own declaration that the common law does not exist in this country. If we examine the constitution and the act of Congress we shall find that this idea of a distinction between principals in the first and second degree depends entirely upon the common law. Neither the constitution nor the act of Congress knows any such distinction.

All who levy war against the United States, whether present or absent — all who are leagued in the conspiracy, whether on the spot of the assemblage or performing some minute and inconsiderable part in it a thousand miles from the scene of action — incur equally the sentence of the law; they are all equally traitors. This scale, therefore, which graduates the guilt of the offenders and establishes the order of their respective trials, if it ever existed here, is completely abrogated by the highest authorities in this country. The convention which formed the constitution and defined treason, Congress which

legislated on that subject, and the supreme judiciary of the country expounding the constitution and the law, have united in its abrogation.

But let us for a moment put the convention, Congress, and judiciary aside, and examine how the case will stand. Still this scale of moral guilt, which Mr. Wickham has given us, is the creature of the common law, which, as already observed, he himself in another branch of his argument has emphatically told us does not exist in this country. He has stated that the creature presupposes the creator, and that where the c. itor does not exist the creature cannot.

The common law, then, being the creator of the rule which Mr. Wickham has given us, and that common law not existing in this country, neither can the rule, which is the mere creature of it, exist in this country. So that the gentleman has himself furnished the argument which refutes this infallible point of his, on which he has so much relied. But to try this position to its utmost extent, let us not only put aside the constitution and act of Congress and decision of the supreme court, but let us admit that the common law does exist here. Still, before the principle could apply, it would remain to be proven that the conduct of the prisoner in this case has been accessorial; or, in other words, that his acts in relation to this treason are of such a nature as would make him an accessory in felony.

But is this the case? It is a mere *petitio principii.* It is denied that his acts are such as would make him an accessory in felony. I have already, in another branch of this subject, endeavored to show, on the grounds of authority and reason, that a man might be involved in the guilt of treason as a principal, by being legally though not actually present; that treason occupied a much wider space than felony; that

the scale of proximity between the accessory and principal must be extended in proportion to the extent of the theatre of the treason; and that, as the prisoner must be considered as legally present, he could not be an accessory but a principal. If I have succeeded in this, I have in fact proved that his conduct cannot be deemed accessorial.

But an error has taken place from considering the scene of the overt act as the theatre of the treason, from mistaking the overt act of the treason itself, and consequently from referring the conduct of the prisoner to the acts on the island. The conduct of Aaron Burr has been considered in relation to the overt act on Blennerhassett's Island only; whereas it ought to be considered in connection with the grand design, the deep plot of seizing Orleans, separating the Union, and establishing an independent empire in the west, of which the prisoner was to be the chief. It ought to be recollected that these were his objects, and that the whole western country, from Beaver to Orleans, was the theatre of his treasonable operations. It is by this first reasoning that you are to consider whether he be a principal or an accessory, and not by limiting your inquiries to the circumscribed and narrow spot in the island where the acts charged happened to be performed.

Having shown, I think, on the ground of law, that the prisoner cannot be considered as an accessory, let me press the inquiry whether on the ground of reason he be a principal or accessory; and remember that his project was to seize New Orleans, separate the Union, and erect an independent empire in the west, of which he was to be the chief. This was the destination of the plot and the conclusion of the drama. Will any man say that Blennerhassett was the principal, and Burr but an accessory? Who will believe that Burr, the author

and projector of the plot, who raised the forces, who enlisted the men, and who procured the funds for carrying it into execution, was made a cat's-paw of?

Will any man believe that Burr, who is a soldier, bold, ardent, restless and aspiring, the great actor whose brain conceived, and whose hand brought the plot into operation, that he should sink down into an accessory, and that Blennerhassett should be elevated into a principal? He would startle at once at the thought. Aaron Burr, the contriver of the whole conspiracy, to everybody concerned in it was as the sun to the planets which surround him. Did he not bind them in their respective orbits and give them their light, their heat, and their motion? Yet he is to be considered as accessory, and Blennerhassett is to be the principal!

Let us put the case between Burr and Blennerhassett. Let us compare the two men and settle this question of precedence between them. It may save a good deal of troublesome ceremony hereafter.

Who Aaron Burr is, we have seen in part already. I will add, that beginning his operations in New York, he associates with him men whose wealth is to supply the necessary funds. Possessed of the mainspring, his personal labor contrives all the machinery. Pervading the continent from New York to New Orleans, he draws into his plan, by every allurement which he can contrive, men of all ranks and descriptions. To youthful ardor he presents danger and glory; to ambition, rank and titles and honors; to avarice the mines of Mexico. To each person whom he addresses he presents the object adapted to his taste. His recruiting-officers are appointed. Men are engaged throughout the continent.

Civil life is indeed quiet upon its surface, but in its bosom this man has contrived to deposit the materials which, with

the slightest touch of his match, produce an explosion to shake the continent.

All this his restless ambition has contrived; and in the autumn of 1806 he goes forth for the last time to apply this match. On this occasion he meets with Blennerhassett.

Who is Blennerhassett? A native of Ireland, a man of letters, who fled from the storms of his own country to find quiet in ours. His history shows that war is not the natural element of his mind. If it had been, he never would have exchanged Ireland for America. So far is an army from furnishing the society natural and proper to Mr. Blennerhassett's character, that on his arrival in America he retired even from the population of the Atlantic States and sought quiet and solitude in the bosom of our western forests.

But he carried with him taste and science and wealth; and lo, the desert smiled! Possessing himself of a beautiful island in the Ohio, he rears upon it a palace and decorates it with every romantic embellishment of fancy. A shrubbery that Shenstone might have envied blooms around him. Music that might have charmed Calypso and her nymphs is his. An extensive library spreads its treasures before him. A philosophical apparatus offers to him all the secrets and mysteries of nature. Peace, tranquillity, and innocence shed their mingled delights around him.

And to crown the enchantment of the scene, a wife, who is said to be lovely even beyond her sex, and graced with every accomplishment that can render it irresistible, had blessed him with her love and made him the father of several children.

The evidence would convince you that this is but a faint picture of the real life. In the midst of all this peace, this innocent simplicity, and this tranquillity, this feast of the mind, this pure banquet of the heart, the destroyer comes; he

comes to change this paradise into a hell. Yet the flowers do not wither at his approach. No monitory shuddering through the bosom of their unfortunate possessor warns him of the ruin that is coming upon him.

A stranger presents himself. Introduced to their civilities by the high rank which he had lately held in his country, he soon finds his way to their hearts by the dignity and elegance of his demeanor, the light and beauty of his conversation, and the seductive and fascinating power of his address. The conquest was not difficult. Innocence is ever simple and credulous. Conscious of no design itself, it suspects none in others. It wears no guard before its breast. Every door, and portal, and avenue of the heart is thrown open, and all who choose it enter. Such was the state of Eden when the serpent entered its bowers.

The prisoner, in a more engaging form, winding himself into the open and unpractised heart of the unfortunate Blennerhassett, found but little difficulty in changing the native character of that heart and the objects of its affection. By degrees he infuses into it the poison of his own ambition. He breathes into it the fire of his own courage; a daring and desperate thirst for glory; an ardor panting for great enterprises, for all the storm and bustle and hurricane of life. In a short time the whole man is changed, and every object of his former delight is relinquished. No more he enjoys the tranquil scene; it has become flat and insipid to his taste. His books are abandoned. His retort and crucible are thrown aside. His shrubbery blooms and breathes its fragrance upon the air in vain; he likes it not. His ear no longer drinks the rich melody of music; it longs for the trumpet's clangor and the cannon's roar. Even the prattle of his babes, once so sweet, no longer affects him; and the angel smile of his wife,

which hitherto touched his bosom with ecstasy so unspeakable, is now unseen and unfelt.

Greater objects have taken possession of his soul. His imagination has been dazzled by visions of diadems, of stars, and garters, and titles of nobility. He has been taught to burn with restless emulation at the names of great heroes and conquerors. His enchanted island is destined soon to relapse into a wilderness; and in a few months we find the beautiful and tender partner of his bosom, whom he lately "permitted not the winds of" summer "to visit too roughly," we find her shivering at midnight on the wintry banks of the Ohio, and mingling her tears with the torrents that froze as they fell.

Yet this unfortunate man, thus deluded from his interest and his happiness, thus seduced from the paths of innocence and peace, thus confounded in the toils that were deliberately spread for him, and overwhelmed by the mastering spirit and genius of another — this man, thus ruined and undone, and made to play a subordinate part in this grand drama of guil and treason, this man is to be called the principal offender, while he by whom he was thus plunged in misery is comparatively innocent, a mere accessory! Is this reason? Is it law? Is it humanity?

Sir, neither the human heart nor the human understanding will bear a perversion so monstrous and absurd! so shocking to the soul! so revolting to reason! Let Aaron Burr, then, not shrink from the high destination which he has courted, and, having already ruined Blennerhassett in fortune, character, and happiness forever, let him not attempt to finish the tragedy by thrusting that ill-fated man between himself and punishment.

Upon the whole, sir, reason declares Aaron Burr the prin-

cipal in this crime, and confirms herein the sentence of the law; and the gentleman, in saying that his offence is of a derivative and accessorial nature, begs the question and draws his conclusions from what, instead of being conceded, is denied. It is clear from what has been said that Burr did not derive his guilt from the men on the island, but imparted his own guilt to them; that he is not an accessory, but a principal; and therefore that there is nothing in the objection which demands a record of their conviction before we shall go on with our proof against him.

But suppose you should think otherwise, suppose you were of opinion that on principles of law and reason (notwithstanding the seeming injustice and inhumanity of considering him as inferior in guilt to them), Aaron Burr was not a principal, but an accessorial offender in the treason; would you, for that reason, stop the evidence from going to the jury! Now, to inquire whether the conduct of Aaron Burr makes him liable as a principal or accessory is only arguing in a different shape the whole question whether he has committed an overt act of war or not. The jury are to consult and decide whether he be a principal offender or not. Whether he be a principal or accessory is a question of fact which they are sworn to decide. The court must judge of the weight of evidence before it can say that the accused is either a principal or accessory. Suppose one part of the evidence contradicts another. Is it not judging of the weight of evidence to decide whether he be a principal or accessory? If it be not, I know not what judging of the weight of evidence is. Nothing is more peculiarly within the exclusive province of the jury than the sufficiency or insufficiency of the evidence.

But the court never says that the evidence is or is not sufficient to prove what it is intended to establish. No court has

such right. The course in such cases is to give instructions in a general charge to the jury after all the evidence shall have been heard. Will you, because of your impressions on this subject, from a merely partial view of the evidence, compel the jury also to decide on that necessarily partial view? If you do, do you not thereby divest the jury of their peculiar functions? Their province should not be invaded. The invasion is big with danger and terror. I trust that you will see this subject in the awful light in which it really stands, and that you will suffer the trial to take its natural course.

Mr. Martin has referred you to a number of cases from Cooper and other authors, but they do not prove the position intended. The court, in all these cases, leaves the jury to decide on the overt act. You will find those cases to amount simply to this: a dialogue between the court and the counsel of the prisoner as to the overt act. The court was required to say whether the overt act were proved or not. There was no judicial determination. The judge merely told his opinion; but he told the jury at the same time that the decision belonged to them and not to him.

There is a wide difference between criminal and civil cases; and as it is of much more importance to preserve the trial by jury in the former, to protect the lives of the people against unjust persecutions, than in mere civil suits, to preserve the rights of property, the constitution has secured that trial in all criminal prosecutions.

Should the court interfere for the purpose of stopping the evidence and to wrest the cause from the jury in favor of the accused, would there not be a reciprocal right? If it can interfere to save the prisoner, can they not interfere equally against him? A thing unprecedented in the annals of jurisprudence. Have the counsel on either side a right to call on the other

side to state all their evidence before it be introduced, and then to address the court without hearing it, if they think they have a better chance before the court than the jury? Has either party a right to substitute the court for the jury, or the jury for the court, at pleasure; to address the court on facts, or the jury on points of law? Such an attempt would not be a greater encroachment on the right of the proper tribunal than the present motion is on the rights of the jury.